

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

4 November 2002

Pursuant to Council action at the September 17, 2002 meeting, the City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Jackie Shoffner, employee in the Environmental Services Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Mayor Pro Tempore Johnson presented a Key to the City of Greensboro to Alexander Popova, Russian national poet and principal of Russia's famed science and math school, who was present in the Chamber. Mr. Popova was accompanied by his daughter Viktoria Popova-Graham and *Carolina Peacemaker* Editor Hal Sieber. Mayor Pro Tem Johnson and members of Council welcomed Mr. Popova to Greensboro.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located on the south side of Old Lake Jeanette Road-0.81 acres. He thereupon introduced so these matters could be discussed together: an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the south side of Old Lake Jeanette Road between Shorham Drive and Church Street, an ordinance annexing territory to the corporate limits located on the south side of Old Lake Jeanette Road and west of North Church Street—4.73 acres, and an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located west of Church Street and south of Old Lake Jeanette Road.

C. Thomas Martin, Planning Department Director, used a map to illustrate the Canterbury School properties proposed for annexation and original zoning; he stated that the four items had received unanimous recommendation by the Planning Board, Zoning Commission and Planning Department.

Mayor Holliday asked if anyone wished to speak to these items.

Brian Byrd, 300 North Greene Street, spoke briefly and offered to answer any questions; he requested Council to approve the annexation and original zoning items.

Councilmember Carmany moved to close the public hearing. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendations for the original zoning items:

Item 6 and Item 8 – Old Lake Jeanette Road and Church Street

The Planning Department recommends that these two original zoning proposals be approved.

The lot on the south side of Old Lake Jeanette Road is surrounded by the present city limits and it has been incorporated into the Canterbury School campus.

The 4.7 acre tract that is west of Church Street is bounded on three sides by the present city limits and it is becoming a southward expansion of the school campus.

At its September 18, 2002 meeting the Greensboro Planning Board unanimously recommended the two Canterbury School annexations to City Council.

The portion of the campus which is presently inside the City is zoned RS-12 so the requested original zoning is consistent with the established zoning pattern.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits located on the south side of Old Lake Jeanette Road-0.81 acres. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-203 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE SOUTH SIDE OF OLD LAKE JEANETTE ROAD – 0.81 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pin in the existing Greensboro corporate limits (as of September 30, 2002), said point being in the southern margin of the right-of-way of Old Lake Jeanette Road, said iron pin being located 561.24 feet from an existing iron pin located at the point of intersection of the southern margin of the right-of-way of Old Lake Jeanette Road and the western margin of the right-of-way of N. Church Street; THENCE WITH THE EXISTING GREENSBORO CITY LIMITS the following courses and distances: along the southern margin of the right-of-way of Old Lake Jeanette Road N 68°11'34" W 130.05 feet to an existing iron pin, S 21°53'09" West 270.07 feet to an existing iron pin, S68°11'34" E 130.05 feet to an existing iron pin, and N 21°53'09" E 270.07 feet to the point and place of BEGINNING, and containing 0.81 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2003.

(Signed) Thomas M. Phillips

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Councilmember Gatten moved adoption of an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the south side of Old Lake Jeanette Road between Shorham Drive and Church Street. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-204 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF OLD LAKE JEANETTE ROAD BETWEEN SHOREHAM DRIVE AND CHURCH STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at an existing iron pin in the existing Greensboro corporate limits (as of September 30, 2002), said point being in the southern margin of the right-of-way of Old Lake Jeanette Road, said iron pin being located 561.24 feet from an existing iron pin located at the point of intersection of the southern margin of the right-of-way of Old Lake Jeanette Road and the western margin of the right-of-way of N. Church Street; THENCE WITH THE EXISTING GREENSBORO CITY LIMITS the following courses and distances: along the southern margin of the right-of-way of Old Lake Jeanette Road N 68°11'34" W 130.05 feet to an existing iron pin, S 21°53'09" West 270.07 feet to an existing iron pin, S68°11'34" E 130.05 feet to an existing iron pin, and N 21°53'09" E 270.07 feet to the point and place of BEGINNING, and containing 0.81 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Florence F. Gatten

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Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits located on the south side of Old Lake Jeanette Road and west of North Church Street—4.73 acres. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-205 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE SOUTH SIDE OF OLD LAKE JEANETTE ROAD AND WEST OF NORTH CHURCH STREET – 4.73 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro corporate limits (as of September 30, 2002), said point being located in the southern line of property now or formerly owned by Canterbury School as recorded in Deed Book 4441, Page 241 in the Office of the Register of Deeds of Guilford County and said point being located S 78° 13' 37" W 200.04 feet from a point in the western margin of the right-of-way of North Church Street (S.R. # 1001) and the southeastern corner of the Canterbury School property, THENCE WITH THE EXISTING CITY LIMITS in a southerly direction approximately 221.21 feet to a point in the northeastern line of property now or formerly owned by Gwendolyn McAdoo Jones as recorded in Deed Book 1899, Page 289; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the northern line of Jones N 88° 04' 05" W 90.32 feet to a point; thence with Jones western line S 01° 56' 50" E 121.45 feet to a point in the northern line of property now or formerly owned by Timothy A. McAdoo as recorded in Deed Book 3854, Page 2157; thence with Timothy A. McAdoo's northern line N 88° 34' 50" W 913.72 feet to a point in the existing city limits, said point being the southeastern corner of property now or formerly owned by Canterbury School as recorded in Deed Book 4441, Page 241; THENCE WITH THE EXISTING CITY LIMITS with Canterbury School's line N 19° 10' 49" E 217.75 feet to a point; thence continuing with the southern line of Canterbury School S 89° 33' 25" E 833.88 feet to a point; thence continuing with a line of Canterbury School N 02° 01' 51" W 99.57 feet to a point; thence continuing with a line of Canterbury School N 78° 13' 37" 75.94 feet to the point and place of BEGINNING, containing 4.73 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2003.

(Signed) Thomas M. Phillips

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Councilmember Burroughs-White moved adoption of the ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located west of Church Street and south of Old Lake Jeanette Road. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-206 AMENDING OFFICIAL ZONING MAP

WEST OF CHURCH STREET AND SOUTH OF OLD LAKE JEANETTE ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro corporate limits (as of September 30, 2002), said point being located in the southern line of property now or formerly owned by Canterbury School as recorded in Deed Book 4441, Page 241 in the Office of the Register of Deeds of Guilford County and said point being located S 78° 13' 37" W 200.04 feet from a point in the western margin of the right-of-way of North Church Street (S.R. # 1001) and the southeastern corner of the Canterbury School property, THENCE WITH THE EXISTING CITY LIMITS in a southerly direction approximately 221.21 feet to a point in the northeastern line of property now or formerly owned by Gwendolyn McAdoo Jones as recorded in Deed Book 1899, Page 289; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the northern line of Jones N 88° 04' 05" W 90.32 feet to a point; thence with Jones western line S 01° 56' 50" E 121.45 feet to a point in the northern line of property now or formerly owned by Timothy A. McAdoo as recorded in Deed Book 3854, Page 2157; thence with Timothy A. McAdoo's northern line N 88° 34' 50" W 913.72 feet to a point in the existing city limits, said point being the southeastern corner of property now or formerly owned by Canterbury School as recorded in Deed Book 4441, Page 241; THENCE WITH THE EXISTING CITY LIMITS with Canterbury School's line N 19° 10' 49" E 217.75 feet to a point; thence continuing with the southern line of Canterbury School S 89° 33' 25" E 833.88 feet to a point; thence continuing with a line of Canterbury School N 02° 01' 51" W 99.57 feet to a point; thence continuing with a line of Canterbury School N 78° 13' 37" W 75.94 feet to the point and place of BEGINNING, containing 4.73 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

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Mayor Holliday stated that this was the time and place set for a public hearing to consider Items 9 – 17 on the agenda as follows: **(9)** an ordinance annexing territory to the corporate limits located on the east side of Pleasant Ridge Road—17.0 acres; **(10)** an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RS-12 Residential Single Family with specific conditions for property located on the east side of Pleasant Ridge Road north of Ridge Haven Road; **(11)** an ordinance annexing territory to the corporate limits known as Pleasant Ridge Farms West Subdivision at Pleasant Ridge Road, Highland Oak Drive and Ridge Haven Road—72.87 acres; **(12)** an ordinance establishing original zoning classification from County Zoning Conditional Use-RS-12 Residential Single Family, Conditional Use-RS-12 Residential Single Family and RS-40 Residential Single Family to

City Zoning RS-12 Residential Single Family for property located on the east side of Pleasant Ridge Road east of Ridge Haven Court, south of Grace Williams Road and west of Eagle Rock Road; **(13)** an ordinance establishing original zoning classification from County Zoning Conditional Use-RS-12 Residential Single Family to City Zoning Conditional Use-RS-12 Residential Single Family with specific conditions for property located south of the terminus of Ridgefall Road between Grace Williams Road and Eagle Rock Road; **(14)** an ordinance annexing territory to the corporate limits known as Thorneblade subdivision on the southwest side of Fleming Road and south side of Pleasant Ridge Road—24.3 acres; **(15)** an ordinance establishing original zoning classification from County Zoning Conditional Use-RS-9 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the south side of Pleasant Ridge Road between Eagle Rock Road and Fleming Road; **(16)** an ordinance annexing territory to the corporate limits known as Stratford Green Townhomes Subdivision on the southwest side of Fleming Road—21.25 acres; and **(17)** an ordinance establishing original zoning classification from County Zoning Conditional Use-RM-5 Residential Multifamily to City Zoning Conditional Use-RM-5 Residential Multifamily for property located on the southwest side of Fleming Road east of Pine Cove Road and north of Southport Road. The Mayor administered to those individuals wishing to speak to these items and asked if anyone wished to be heard.

Mr. Martin advised that these items had received unanimous recommendation by the Planning Board, Zoning Commission and Planning Department. He used maps to illustrate the properties proposed for annexation and surrounding areas. It appeared to be the consensus of Council to waive the viewing of slides for certain portions of these properties. After it was noted that speakers for items 9 and 10 were present in the Chamber, Mr. Martin also provided slides of that property and surrounding area. Mr. Martin spoke briefly to each of the above items 9-17 that had been recommended for Council's approval and provided the following staff presentations for the Conditional Use Items:

REQUEST – ITEM 10

This request is to establish original zoning of property from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use – RS-12 Residential Single Family.

The RS-40 District is primarily intended to accommodate single family detached dwellings on large lots in areas without access to public water and sewer at a density of 1.0 unit per acre or less.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: Single family residential houses.
- 2) Developer will issue disclosure statements to each respective home buyer informing them of possible noise impacts from Piedmont Triad International Airport.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 17.0 acres and is located on the east side of Pleasant Ridge Road north of Ridge Haven Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-40	Single family dwelling & vacant land
North	CU-RS-12 (Co)	Pleasant Ridge Farms West Subdivision
East	CU-RS-12 (Co)	Pleasant Ridge Farms West Subdivision

South	AG	Single family dwelling & vacant land
West	RS-40	Single family dwelling & Ridgefield Academy

REQUEST – ITEM 13

This request is to establish original zoning for property from County Zoning Conditional Use – RS-12 Residential Single Family to City Zoning Conditional Use – RS-12 Residential Single Family.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

The existing CU-RS-12 District contains the conditions which are listed on the agenda and in the copy of the staff presentation:

- 1) Uses: Single family detached residences utilizing the cluster option with a minimum of 15% open space.
- 2) Phasing of project to adhere a zoning sketch plan.
- 3) Pave and connect to Ridge Fall Road.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Pave and connect to Ridgefall Road.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 9.9 acres and is located south of the terminus of Ridgefall Road between Grace Williams Road and Eagle Rock Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	CU-RS-12 (Co)	Pleasant Ridge Farms West Subdivision (Vacant (platted) land)
North	RS-40/CU-HB	Single family dwelling & property conditioned for use as an upholstery shop
East	CU-PDR	Pleasant Ridge Farms East Subdivision
South	CU-RS-12	Pleasant Ridge Farms West Subdivision
West	RS-40	Single family dwelling

REQUEST – ITEM 17

This request is to establish original zoning of property from County Zoning Conditional Use – RM-5 Residential Multifamily to City Zoning Conditional Use – RM-5 Residential Multifamily.

The RM-5 District is primarily intended to accommodate duplexes, townhouses, cluster housing and similar residential uses at a density of 5.0 units per acre or less.

The existing CU-RM-5 District contains the same conditions as those proposed for the requested CU-RM-5 District.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: Attached townhouses.
- 2) The existing lake will be modified as necessary to meet requirements as a runoff control structure.
- 3) The portion of the property west of the pond will remain natural and undisturbed as open space (except for required utilities and erosion control structures).
- 4) Maximum eighty units.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 21.25 acres and is located on the southwest side of Fleming Road east of Pine Cove Road and north of Southport Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	CU-RM-5	Stratford Green Townhomes (partially constructed)
North	CU-RS-9 (Co)	Thornblade Subdivision
East	CU-RM-5	Carmel by the Lake Townhomes
South	CU-RM-5 CU-RS-12	Carmel by the Lake Townhomes Pleasant Ridge Farms East Subdivision
West	CU-PDR	Pleasant Ridge Farms East Subdivision

Mayor Holliday asked if anyone wished to speak to any of the annexation and original zoning items # 9 – 17 on the Council agenda and administered the oath to those citizens.

Tom Hall, 2311 West Cone Boulevard, President of Windsor Homes, spoke in favor of items 9 and 10 and used a map to illustrate the property. He spoke to the character of the general area, current zoning patterns and land uses in the area, and communication with adjacent property owners; he stated that he believed the proposed development was a compatible land use and would be in harmony with the area. In rebuttal, Mr. Hall detailed ongoing residential development in the area and spoke to the proximity of this property to Summerfield; he further stated he believed this request was in keeping with the airport's land use plan and noted a meeting with airport officials had determined this development would create not problems with regard to its proximity to the airport or the proposed Federal Express facility.

Raven Broeker, residing at 7012 Ridge Haven Road, spoke in opposition to the rezoning. He spoke to the operation of a horse farm on the adjacent, agriculturally zoned property that he believed could not continue to operate if this development took place, described the Airport Area Plan's land use recommendation for this property and stated that, in his opinion, this development did not comply with the Plan recommendations, and cited personal concerns with regard to the density of the development and the risk involved with locating development adjacent to a working horse farm. In rebuttal, Mr. Broeker reiterated his belief that the development was not in keeping with the airport's land use plan.

Council discussed with Mr. Martin the operation of the farm, buffering that might be used by the developer, the fact that the proposed development was in keeping with the airport's land use plan, various conditions contained in the proposed ordinance, the City's boundary for development in the area, etc. Mr. Martin also advised that this property was covered by utility agreement and annexation petition.

Councilmember Gatten moved to close the public hearing on items 9 and 10. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 10 – Pleasant Ridge Road (CU-RS-12)

The Planning Department recommends that this original zoning request be approved.

This property is located in the Noise Impact Disclosure Area that was identified in the Airport Area Plan Update endorsed by City Council.

As a mitigation measure, the Plan recommends the use of disclosure statements that inform all home buyers of probable noise impacts.

This property lies just over a mile as the crow flies from the nearest portion of the present city limits and is about 1.7 miles driving distance.

The property has a 16-inch water line stubbed to its northern line and has an 8-inch sewer outfall alongside its eastern line.

The TRC recommended the annexation of this property, provided that the City also annexes the three developments which are included in this package.

At its September 18, 2002 the Greensboro Planning Board unanimously recommended the annexation of this property, as well as the other properties in this area.

CU-RS-12 zoning is compatible with new development in this area, particularly Pleasant Ridge Farms West.

Councilmember Gatten moved adoption of the ordinance annexing territory to the corporate limits located on the east side of Pleasant Ridge Road—17.0 acres. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan.

02-207 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE EAST SIDE OF PLEASANT RIDGE ROAD – 17.0 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pin in the eastern right-of-way line of Pleasant Ridge Road, being the southwest corner of H. Wallace and Phyllis Baird; thence proceeding along said right-of-way line N 06° 16' 22" E 529.12 feet to a point in the southern line of Pleasant Ridge Farms West, Phase 1, Section 1, as recorded in Plat Book 140, Pages 105 and 106, in the Office of the Register of Deeds of Guilford County; thence proceeding along the southern line of said subdivision S 85° 00' 00" E 1,300.65 feet to Baird's northeast corner; thence along Baird's eastern line S 15° 28' 00" E 564.73 feet to Baird's southeast corner; thence along Baird's southern line N 85° 00' 00" W 1,492.02 feet to the point and place of BEGINNING, and containing approximately 17.0 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2003.

(Signed) Florence F. Gatten

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Councilmember Phillips moved that the ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RS-12 Residential Single Family with specific conditions for property located on the east side of Pleasant Ridge Road north of Ridge Haven Road be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed single family residential use of this property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because adjacent property is developed with similar single family residential uses.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because single family residential zoning is compatible with surrounding development and the use of disclosure statements that inform home buyers of probable noise impacts is consistent with the Airport Area Plan endorsed by City Council.

The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-208 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

EAST SIDE OF PLEASANT RIDGE ROAD NORTH OF RIDGE HAVEN DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use – RS-12 Residential Single

Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at an existing iron pin in the eastern right-of-way line of Pleasant Ridge Road, being the southwest corner of H. Wallace and Phyllis Baird; thence proceeding along said right-of-way line N 06° 16' 22" E 529.12 feet to a point in the southern line of Pleasant Ridge Farms West, Phase 1, Section 1, as recorded in Plat Book 140, Pages 105 and 106, in the Office of the Register of Deeds of Guilford County; thence proceeding along the southern line of said subdivision S 85° 00' 00" E 1,300.65 feet to Baird's northeast corner; thence along Baird's eastern line S 15° 28' 00" E 564.73 feet to Baird's southeast corner; thence along Baird's southern line N 85° 00' 00" W 1,492.02 feet to the point and place of BEGINNING, and containing approximately 17.0 acres.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Single family residential houses.
- 2) Developer will issue disclosure statements to each respective home buyer informing them of possible noise impacts from Piedmont Triad International Airport.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Noting that a large number of citizens had signed up to speak to the Lindsay Street closing, the Mayor spoke briefly to Council's desire to provide an equal amount of time to proponents and opponents who wished to speak to this matter. Councilmember Gatten moved that proponents and opponents be allowed thirty (30) minutes with a five (5) minute rebuttal to speak to this issue. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

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After brief comments by Mr. Martin and there being no one present desiring to speak to Items 11, 12 and 13, Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits known as Pleasant Ridge Farms West Subdivision at Pleasant Ridge Road, Highland Oak Drive and Ridge Haven Road—72.87 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-209 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (KNOWN AS PLEASANT RIDGE FARMS WEST SUBDIVISION AT PLEASANT RIDGE ROAD, HIGHLAND OAK DRIVE AND RIDGE HAVEN ROAD -- 72.87 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at an existing iron pipe in the eastern right-of-way line of Pleasant Ridge Road (NCSR 2133), being the northwest corner of H. Wallace Baird; thence proceeding along the former eastern right-of-way line the following bearings and distances: along a curve to the right having a radius of 733.02 feet, a chord bearing and distance of N 23° 38' 20" E 321.39 feet to a point and N 36° 18' 10" E 218.63 feet to a new iron pipe; thence with the south line of Pleasant Ridge Christian Church, as recorded in Plat Book 104, Page 117 in the Office of the Register of Deeds of Guilford County, N 88° 02' 24" E 393.62 feet to an existing iron pipe; thence continuing with the southern line of Pleasant Ridge Christian Church and the Walter T. Meisner property, as recorded in Deed Book 3650, Page 109 in the Office of the Register of Deeds, N 72° 02' 20" E 466.30 feet to an existing iron pipe; thence with the boundary of the Anthony C. Barrett property, as recorded in Deed Book 3537, Page 1523 in the Office of the Register of Deeds, the following bearings and distances: S 09° 22' 35" E 163.88 feet to an existing iron pipe; S 22° 15' 29" E 188.75 feet to an existing iron pipe; and N 85° 23' 30" E 161.42 feet to an existing iron pipe; thence with the boundary of the Charles S. Young subdivision, as recorded in Plat Book 73, Page 159 in the Office of the Register of Deeds, S 84° 15' 30" E 299.01 feet to an existing iron pipe; thence a new line with the Alan W. Bowman property, as recorded in Deed Book 3607, Page 569 in the Office of the Register of Deeds, the following bearings and distances: S 15° 36' 59" E 345.00 feet to a new iron pipe and S 71° 34' 52" E 113.27 feet to a new iron pipe; thence a new line with the John K. Powers property, as recorded in Deed Book 3607, Page 571 in the Office of the Register of Deeds, the following bearings and distances: N 79° 29' 15" E 250.70 feet to a new iron pipe and N 04° 03' 00" E 709.12 feet to a new iron pipe; thence with the southern boundary of the Henry F. Tucker subdivision, as recorded in Plat Book 44, Page 77 and Plat Book 70, Page 120 in the Office of the Register of Deeds, the following bearings and distances: S 84° 20' 29" E 147.19 feet to an existing iron pipe; N 01° 47' 45" E 29.56 feet to an existing iron pipe on the western margin of Ridge Fall Road; thence S 87° 01' 41" E 60.07 feet to a new iron pipe on the eastern margin of said road; thence with said eastern margin N 02° 59' 20" E 60.00 feet to a new iron pipe; thence S 79° 57' 38" E 118.07 feet to a new iron pipe on the western boundary of Pleasant Ridge Farms, Section 1, as recorded in Plat Book 99, Page 142, in the Office of the Register of Deeds; thence with the western boundary of Pleasant Ridge Farms S 03° 42' 14" W 185.00 feet to an existing iron pipe and S 82° 33' 27" E 220.34 feet to an existing iron pipe; thence with the western boundary of Pleasant Ridge Farms, Section 2, Map 1, as recorded in Plat Book 102, Page 28 in the Office of the Register of Deeds and Pleasant Ridge Farms, Section 3, Map 1, as recorded in Plat Book 105, Page 52 in the Office of the Register of Deeds, S 04° 26' 42" W 2,911.36 feet to a new iron pipe on the northern boundary of River Hills subdivision, as recorded in Plat Book 100, Page 33 in the Office of the Register of Deeds; thence with the northern boundary of River Hills S 89° 31' 46" W 544.93 feet to an existing iron pipe in the eastern line of Oak Bend subdivision, as recorded in Plat Book 99, Page 145 in the Office of the Register of Deeds; thence with the boundary of said subdivision the following bearings and distances: N 15° 17' 58" E 224.17 feet to an existing iron pipe and S 85° 35' 23" W 25.97 feet to an existing iron pipe in the eastern boundary of Ridge Haven subdivision, as recorded in Plat Book 65, Page 38 in the Office of the Register of Deeds; thence with the eastern boundary of said subdivision the following bearings and distances: N 04° 11' 55" E 602.17 feet to an existing iron pipe; N 49° 41' 33" W 149.25 feet to an existing iron pipe; N 40° 38' 00" W 227.98 feet to an existing iron pipe; N 74° 25' 27" W 29.82 feet to a new iron pipe on the eastern right-of-way line of Ridge Haven Court; N 22° 14' 49" E 54.79 feet to a point; N 07° 35' 11" W 79.01 feet to an existing iron pipe; and N 12° 55' 16" W 36.84 feet to a new iron pipe on the western right-of-way line of Ridge Haven Court; thence with the Doris Simpson subdivision, as recorded in Plat Book 67, Page 113 in the Office of the Register of Deeds, the following bearings and distances: N 21° 59' 59" E 55.23 feet to a new iron pipe and N 56° 05' 41" W 228.86 feet to an existing iron pipe; thence with the line of the L. C. Huffine Estate, as recorded in Plat Book 16, Page 2 in the Office of the Register of Deeds, the following bearings and distances: N 05° 31' 56" E 77.93 feet to an existing iron pipe and N 77° 29' 45" E 32.68 feet to an existing iron pipe; thence continuing with the L. C. Huffine Estate and the H. Wallace Baird property N 14° 50' 48" W 566.99 feet to an existing iron pipe on the northern line of Baird;

thence with Baird's northern line N84° 22' 48" W 1,311.07 feet to the point and place of BEGINNING, and containing approximately 72.87 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2003.

(Signed) Yvonne J. Johnson

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Mr. Martin provided the following staff recommendation for Item 12:

Item 12 – Pleasant Ridge Road (Pleasant Ridge Farms West) (RS-12)

The Planning Department recommends that this original zoning be approved.

This proposal includes the majority of Pleasant Ridge Farms West Subdivision.

This single family development is under construction using city water and sewer and the entire development will eventually contain 190 homes.

This property currently features two CU-RS-12 Districts, one was approved by the County in 1997 and the other in 1998.

With plats having been recorded and the subdivision under construction, the conditions of those two conditional use districts have been satisfied with one exception which will be discussed as part of the next original zoning proposal.

For this reason, RS-12 is an appropriate zoning classification for this property since the development is being served with city water and sewer.

Councilmember Phillips moved adoption of an ordinance establishing original zoning classification from County Zoning Conditional Use-RS-12 Residential Single Family, Conditional Use-RS-12 Residential

Single Family and RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the east side of Pleasant Ridge Road east of Ridge Haven Court, south of Grace Williams Road, and west of Eagle Rock Road. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-210 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF PLEASANT RIDGE ROAD EAST OF RIDGE HAVEN COURT, SOUTH OF GRACE WILLIAMS ROAD AND WEST OF EAGLE ROCK ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – RS-12 Residential Single Family, Conditional Use – RS-12 Residential Single Family and RS-40 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at an existing iron pipe in the eastern right-of-way line of Pleasant Ridge Road (NCSR 2133), being the northwest corner of H. Wallace Baird; thence proceeding along the former eastern right-of-way line the following bearings and distances: along a curve to the right having a radius of 733.02 feet, a chord bearing and distance of N 23° 38' 20" E 321.39 feet to a point and N 36° 18' 10" E 218.63 feet to a new iron pipe; thence with the south line of Pleasant Ridge Christian Church, as recorded in Plat Book 104, Page 117 in the Office of the Register of Deeds of Guilford County, N 88° 02' 24" E 393.62 feet to an existing iron pipe; thence continuing with the southern line of Pleasant Ridge Christian Church and the Walter T. Meisner property, as recorded in Deed Book 3650, Page 109 in the Office of the Register of Deeds, N 72° 02' 20" E 466.30 feet to an existing iron pipe; thence with the boundary of the Anthony C. Barrett property, as recorded in Deed Book 3537, Page 1523 in the Office of the Register of Deeds, the following bearings and distances: S 09° 22' 35" E 163.88 feet to an existing iron pipe; S 22° 15' 29" E 188.75 feet to an existing iron pipe; and N 85° 23' 30" E 161.42 feet to an existing iron pipe; thence with the boundary of the Charles S. Young subdivision, as recorded in Plat Book 73, Page 159 in the Office of the Register of Deeds, S 84° 15' 30" E 299.01 feet to an existing iron pipe; thence a new line with the Alan W. Bowman property, as recorded in Deed Book 3607, Page 569 in the Office of the Register of Deeds, the following bearings and distances: S 15° 36' 59" E 345.00 feet to a new iron pipe and S 71° 34' 52" E 113.27 feet to a new iron pipe; thence a new line with the John K. Powers property, as recorded in Deed Book 3607, Page 571 in the Office of the Register of Deeds, the following bearings and distances: N 79° 29' 15" E 250.70 feet to a new iron pipe; thence in a southeasterly direction approximately 580 feet to a new iron pipe at the northwest corner of Lot 99 of Pleasant Ridge Farms, Section 2, Map 1, as recorded in Plat Book 102, Page 28 in the Office of the Register of Deeds; thence with the western lines of said Section 2, Map 1 and Pleasant Ridge Farms, Section 3, Map 1, as recorded in Plat Book 105, Page 52 in the Office of the Register of Deeds, S 04° 26' 42" W approximately 2,100 feet to a new iron pipe on the northern boundary of River Hills subdivision, as recorded in Plat Book 100, Page 33 in the Office of the Register of Deeds; thence with the northern boundary of River Hills S 89° 31' 46" W 544.93 feet to an existing iron pipe in the eastern line of Oak Bend subdivision, as recorded in Plat Book 99, Page 145 in the Office of the Register of Deeds; thence with the boundary of said subdivision the following bearings and distances: N 15° 17' 58" E 224.17 feet to an existing iron pipe and S 85° 35' 23" W 25.97 feet to an existing iron pipe in the eastern boundary of Ridge Haven subdivision, as recorded in Plat Book 65, Page 38 in the Office of the Register of Deeds; thence with the eastern boundary of said subdivision the following bearings and distances: N 04° 11' 55" E 602.17 feet to an existing iron pipe; N 49° 41' 33" W 149.25 feet to an existing iron pipe; N 40° 38' 00" W 227.98 feet to an existing iron pipe; N 74° 25' 27" W 29.82 feet to a new iron pipe on the eastern right-of-way line of Ridge Haven Court; N 22° 14' 49" E 54.79 feet to a point; N 07° 35' 11" W 79.01 feet to an existing iron pipe; and N 12° 55' 16" W 36.84 feet to a new iron pipe on the western right-of-way line of Ridge Haven Court;

thence with the Doris Simpson subdivision, as recorded in Plat Book 67, Page 113 in the Office of the Register of Deeds, the following bearings and distances: N 21° 59' 59" E 55.23 feet to a new iron pipe and N 56° 05' 41" W 228.86 feet to an existing iron pipe; thence with the line of the L. C. Huffine Estate, as recorded in Plat Book 16, Page 2 in the Office of the Register of Deeds, the following bearings and distances: N 05° 31' 56" E 77.93 feet to an existing iron pipe and N 77° 29' 45" E 32.68 feet to an existing iron pipe; thence continuing with the L. C. Huffine Estate and the H. Wallace Baird property N14° 50' 48" W 566.99 feet to an existing iron pipe on the northern line of Baird; thence with Baird's northern line N84° 22' 48" W 1,311.07 feet to the point and place of BEGINNING.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Mr. Martin provided the following staff recommendation for Item 13:

Item 13 – Terminus of Ridgefall Road (Pleasant Ridge Farms West) (CU-RS-12)

The Planning Department recommends that this original zoning request be approved.

This portion of Pleasant Ridge Farms west is currently zoned CU-RS-12 with a condition that requires the development pave and connect to Ridgefall Road.

Since this condition has not been fulfilled yet, staff recommends that this northern portion of the subdivision, which contains 30 platted lots, remain zoned CU-RS-12 with the relevant condition carried forth as part of this original zoning.

Councilmember Gatten moved that the ordinance establishing original zoning classification from County Zoning Conditional Use-RS-12 Residential Single Family to City Zoning Conditional Use-RS-12 Residential Single Family with specific conditions for property located south of the terminus of Ridgefall Road between Grace Williams Road and Eagle Rock Road be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed single family residential use of this property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because adjacent property is developed with similar single family residential uses.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this property is presently zoned CU-RS-12 with a condition that requires the development to pave and connect to Ridgefall Road.

The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-211 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL
USE PERMIT

SOUTH OF THE TERMINUS OF RIDGEFALL ROAD BETWEEN GRACE WILLIAMS ROAD AND
EAGLE ROCK ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – RS-12 Residential Single Family to City Zoning Conditional Use – RS-12 Residential Single Family (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at the southeast corner of the John K. Powers property, as recorded in Deed Book 3607, Page 571 in the Office of the Register of Deeds of Guilford County; thence with the eastern line of Powers N 04° 03' 00" E 709.12 feet to a new iron pipe; thence with the southern boundary of the Henry F. Tucker subdivision, as recorded in Plat Book 44, Page 77 and Plat Book 70, Page 120 in the Office of the Register of Deeds, the following bearings and distances: S 84° 20' 29" E 147.19 feet to an existing iron pipe; N 01° 47' 45" E 29.56 feet to an existing iron pipe on the western margin of Ridge Fall Road; thence S 87° 01' 41" E 60.07 feet to a new iron pipe on the eastern margin of said road; thence with said eastern margin N 02° 59' 20" E 60.00 feet to a new iron pipe; thence S 79° 57' 38" E 118.07 feet to a new iron pipe on the western boundary of Pleasant Ridge Farms, Section 1, as recorded in Plat Book 99, Page 142, in the Office of the Register of Deeds; thence with the western boundary of Pleasant Ridge Farms S 03° 42' 14" W 185.00 feet to an existing iron pipe and S 82° 33' 27" E 220.34 feet to an existing iron pipe; thence with the western boundary of Pleasant Ridge Farms, Section 2, Map 1, as recorded in Plat Book 102, Page 28 in the Office of the Register of Deeds S 04° 26' 42" W approximately 810 feet to the northwest corner of Lot 99; thence in a northwesterly direction approximately 580 feet to the point and place of BEGINNING.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Pave and connect to Ridgefall Road.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Florence F. Gatten

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Councilmember Perkins left the Chamber at 7:04 p. m.

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Ordinances #14 and 15 were introduced by the Mayor earlier in the meeting; Mr. Martin provided the following staff presentation:

Item 15 – Pleasant Ridge Road/Fleming Road (Thornblade Subdivision) (RS-12)

The Planning Department recommends that this original zoning be approved.

This proposal involves Thornblade Subdivision which is a single family development under construction using city water and sewer, eventually containing approximately 65 homes.

The existing zoning is CU-RS-9 but all existing conditions have been met and, therefore, there is no reason to assign conditional use zoning to this development.

RS-12 using the cluster provision in the Development Ordinance is compatible with the development that is being constructed.

RS-12 is also compatible with the previous original zoning items that are under consideration.

There being no one present desiring to speak to the annexation and original zoning ordinance, Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits known as Thornblade Subdivision on the southwest side of Fleming Road and south side of Pleasant Ridge Road—24.3 acres. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins (in absentia as provided for by law), Phillips and Vaughan. Noes: None.

02-212 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (KNOWN AS THORNEBLADE SUBDIVISION ON THE SOUTHWEST SIDE OF FLEMING ROAD AND SOUTH SIDE OF PLEASANT RIDGE ROAD – 24.3 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a new iron pipe at the northeastern corner of William H. and Ruth R. Wiley, as recorded in Deed Book 3828, Page 34 in the Office of the Register of Deeds of Guilford County, said point being on the southwestern right-of-way line of Fleming Road (NCSR 2136) and being on the Summerfield town limit line; thence N 73° 48' 05" E, crossing Fleming Road with said town limit line, approximately 60 feet to a point on the northeastern right-of-way line of Fleming Road; thence in a northwesterly direction along said town limit line approximately 320 feet to a point on the northern right-of-way line of Pleasant Ridge Road, said point also being on the Summerfield town limits; thence in a westerly direction along said town limit line approximately 550 feet to its intersection with the northward projection of the eastern property line of Jay C. and Martha H. Tuttle, as recorded in Deed Book 1709, Page 82 in the Office of the Register of Deeds; thence S 06° 15' 06" E, crossing Fleming Road, approximately 60 feet to a point on the southern right-of-way line of Pleasant Ridge Road; thence S 06° 15' 06" E 225.47 feet along Tuttle's eastern line to Tuttle's southeastern corner; thence S 82° 39' 09" W 118.98 feet along Tuttle's southern line to a new iron pipe on the eastern property line of Lowman W. and Sharon L. Ray, as recorded in Deed Book 3994, Page 1350 and Plat Book 72, Page 264 in the Office of the Register of Deeds; thence S 07° 37' 20" E 380.22 feet along Ray's eastern line to an existing axle marking the northeast corner of Pleasant Ridge Farms, Section 1, as recorded in Plat Book 99, Page 142 in the Office of the Register of Deeds; thence S 07° 14' 32" E 827.13 feet along the eastern line of said Section 1 and the eastern line of Pleasant Ridge Farms, Section 2, as recorded in Plat Book 103, Page 81 in the Office of the Register of Deeds to an existing iron pipe at the northwest corner of Pleasant Ridge Farms East, as recorded in Plat Book 114, Page 5 in the Office of the Register of Deeds; thence with the northwestern line of Pleasant Ridge Farms East the following three courses: (1) N 56° 22' 46" E 145.51 feet to an existing iron pipe on the western right-of-way line of Pine Cove Road (2) N 56° 20' 45" E 55.85 feet to an existing iron pipe on the eastern right-of-way line of Pine Cove Road, (3) N 56° 22' 12" E 216.47 feet to a new iron pipe at the southwest corner of Jay C. and Martha H. Tuttle, as recorded in Deed Book 3284, Page 836 in the Office of the Register of Deeds; thence S 56° 57'

56" E 65.61 feet along Tuttle's southern line to an existing iron pipe; thence S 07° 16' 23" E 174.99 feet to an existing iron pipe, said pipe being a corner on the northern line of Stratford Green Townhomes, as recorded in Deed Book 3213, Page 222 in the Office of the Register of Deeds; thence N 60° 34' 14" E 583.57 feet along said northern line to an existing iron pipe; thence continuing N 60° 34' 14" E 35.84 feet along said northern line to a new iron pipe at the southwestern corner of Levis V. Oakes, Jr. as recorded in Deed Book 4244, Page 1068 in the Office of the Register of Deeds and the northwest corner of Robert A. and Gayle C. Tuttle, as recorded in Deed Book 2199, Page 830 in the Office of the Register of Deeds; thence along the southwestern line of said Oakes N 40° 33' 10" W 150.48 feet to a new iron pipe; thence N 60° 35' 50" E 267.78 feet along the northwestern line of said Oakes to an existing iron pipe on the southwestern right-of-way line of Fleming Road; thence continuing N 60° 35' 50" E approximately 60 feet, crossing Fleming Road, to a point on the Summerfield town limit line; thence in a northwesterly direction along said town limit line approximately 300 feet to its intersection with the eastward projection of the southern line of C. Alan and Kathy S. Clayton; thence S 73° 48' 05" W approximately 60 feet along said projection, crossing Fleming Road, to a new iron pipe at Clayton's southeast corner, as recorded in Deed Book 3631, Page 537 in the Office of the Register of Deeds; thence continuing along Clayton's southern line S 73° 48' 05" W 467.73 feet to Clayton's southwest corner; thence N 12° 16' 39" W 222.59 feet to an existing iron pipe at the southwest corner of the aforementioned Wiley; thence N 12° 21' 47" W 219.94 feet along Wiley's western line to an existing iron pipe; thence N 73° 48' 05" W 259.27 feet along Wiley's northern line to the point and place of BEGINNING, containing approximately 24.3 acres, and being all of Thornblade subdivision and abutting Fleming Road right-of-way and Pleasant Ridge Road right-of-way.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2003.

(Signed) Thomas M. Phillips

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Councilmember Gatten moved adoption of the ordinance establishing original zoning classification from County Zoning Conditional Use-RS-9 Residential Single Family to City Zoning RS-12 Residential Single Family for property located on the south side of Pleasant Ridge Road between Eagle Rock Road and Fleming Road. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the

following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins (in absentia as provided for by law), Phillips and Vaughan. Noes: None.

02-213 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF PLEASANT RIDGE ROAD BETWEEN EAGLE ROCK ROAD AND FLEMING ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – RS-9 Residential Single Family to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a new iron pipe at the northeastern corner of William H. and Ruth R. Wiley, as recorded in Deed Book 3828, Page 34 in the Office of the Register of Deeds of Guilford County, said point being on the southwestern right-of-way line of Fleming Road (NCSR 2136) and being on the Summerfield town limit line; thence N 73° 48' 05" E, crossing Fleming Road with said town limit line, approximately 60 feet to a point on the northeastern right-of-way line of Fleming Road; thence in a northwesterly direction along said town limit line approximately 320 feet to a point on the northern right-of-way line of Pleasant Ridge Road, said point also being on the Summerfield town limits; thence in a westerly direction along said town limit line approximately 550 feet to its intersection with the northward projection of the eastern property line of Jay C. and Martha H. Tuttle, as recorded in Deed Book 1709, Page 82 in the Office of the Register of Deeds; thence S 06° 15' 06" E, crossing Fleming Road, approximately 60 feet to a point on the southern right-of-way line of Pleasant Ridge Road; thence S 06° 15' 06" E 225.47 feet along Tuttle's eastern line to Tuttle's southeastern corner; thence S 82° 39' 09" W 118.98 feet along Tuttle's southern line to a new iron pipe on the eastern property line of Lowman W. and Sharon L. Ray, as recorded in Deed Book 3994, Page 1350 and Plat Book 72, Page 264 in the Office of the Register of Deeds; thence S 07° 37' 20" E 380.22 feet along Ray's eastern line to an existing axle marking the northeast corner of Pleasant Ridge Farms, Section 1, as recorded in Plat Book 99, Page 142 in the Office of the Register of Deeds; thence S 07° 14' 32" E 827.13 feet along the eastern line of said Section 1 and the eastern line of Pleasant Ridge Farms, Section 2, as recorded in Plat Book 103, Page 81 in the Office of the Register of Deeds to an existing iron pipe at the northwest corner of Pleasant Ridge Farms East, as recorded in Plat Book 114, Page 5 in the Office of the Register of Deeds; thence with the northwestern line of Pleasant Ridge Farms East the following three courses: (1) N 56° 22' 46" E 145.51 feet to an existing iron pipe on the western right-of-way line of Pine Cove Road (2) N 56° 20' 45" E 55.85 feet to an existing iron pipe on the eastern right-of-way line of Pine Cove Road, (3) N 56° 22' 12" E 216.47 feet to a new iron pipe at the southwest corner of Jay C. and Martha H. Tuttle, as recorded in Deed Book 3284, Page 836 in the Office of the Register of Deeds; thence S 56° 57' 56" E 65.61 feet along Tuttle's southern line to an existing iron pipe; thence S 07° 16' 23" E 174.99 feet to an existing iron pipe, said pipe being a corner on the northern line of Stratford Green Townhomes, as recorded in Deed Book 3213, Page 222 in the Office of the Register of Deeds; thence N 60° 34' 14" E 583.57 feet along said northern line to an existing iron pipe; thence continuing N 60° 34' 14" E 35.84 feet along said northern line to a new iron pipe at the southwestern corner of Levis V. Oakes, Jr. as recorded in Deed Book 4244, Page 1068 in the Office of the Register of Deeds and the northwest corner of Robert A. and Gayle C. Tuttle, as recorded in Deed Book 2199, Page 830 in the Office of the Register of Deeds; thence along the southwestern line of said Oakes N 40° 33' 10" W 150.48 feet to a new iron pipe; thence N 60° 35' 50" E 267.78 feet along the northwestern line of said Oakes to an existing iron pipe on the southwestern right-of-way line of Fleming Road; thence continuing N 60° 35' 50" E approximately 60 feet, crossing Fleming Road, to a point on the Summerfield town limit line; thence in a northwesterly direction along said town limit line approximately 300 feet to its intersection with the eastward projection of the southern line of C. Alan and Kathy S. Clayton; thence S 73° 48' 05" W approximately 60 feet along said projection, crossing Fleming Road, to a new iron pipe at Clayton's southeast corner, as recorded in Deed Book 3631, Page 537 in the

Office of the Register of Deeds; thence continuing along Clayton's southern line S 73° 48' 05" W 467.73 feet to Clayton's southwest corner; thence N 12° 16' 39" W 222.59 feet to an existing iron pipe at the southwest corner of the aforementioned Wiley; thence N 12° 21' 47" W 219.94 feet along Wiley's western line to an existing iron pipe; thence N 73° 48' 05" W 259.27 feet along Wiley's northern line to the point and place of BEGINNING, containing approximately 24.3 acres, and being all of Thornblade subdivision and abutting Fleming Road right-of-way and Pleasant Ridge Road right-of-way.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Florence F. Gatten

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Councilmember Perkins re-entered the meeting at 7:06 p.m.

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After brief comments by Mr. Martin with regard to Items 16 and 17, Pete Adams, residing at 4698 Glengarry Circle, stated that homeowners in this development objected to the annexation because the developer had failed to disclose that an annexation agreement had been signed with the City. He spoke to the makeup of the community; stated he believed the annexation would create a hardship for residents, particularly senior citizens; and presented a petition purportedly signed by homeowners in opposition to the annexation. (A copy of the petition is filed in Exhibit Drawer N, Exhibit Number 43, which is hereby referred to and made a part of these minutes.)

The City Attorney advised the subject of disclosure was a legal matter between the property owners and the developer; she added that the existence of this agreement should have been found during the title search.

Jane Goins, resident of the area, spoke to the type of development in the area and expressed concern with water runoff problems created by the development uphill from her property; she asked the City's assistance in making sure these problems were addressed by the developer before area development was completed.

Mr. Martin advised that because this property was currently located outside the City limits, Guilford County would be responsible for addressing Ms. Goins' concerns. The Mayor noted that Mike Barber, Chairman of the Guilford County Board of Commissioners, was present in the Chamber and aware of the concerns.

Councilmember Burroughs-White moved that the public hearing be closed on Items 16 and 17. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 17 – Fleming Road (Stratford Green Townhomes) (CU-RM-5)

The Planning Department recommends that this original zoning proposal be approved.

This property contains the Stratford Green Townhomes Subdivision which is under construction using city water and sewer.

Eventually it will contain 79 townhouses.

CU-RM-5 was approved by the County in 1997.

Staff is recommending that this classification be carried forth as the proposed original zoning since the conditions are still relevant, especially those involving the maximum number of units and the provision pertaining to natural and undisturbed open space west of the pond.

Councilmember Phillips moved adoption of the ordinance annexing territory to the corporate limits known as Stratford Green Townhomes Subdivision on southwest side of Fleming Road—21.25 acres. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-214 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (KNOWN AS STRATFORD GREEN TOWNHOMES SUBDIVISION ON SOUTHWEST SIDE OF FLEMING ROAD -- 21.25 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the northeastmost property corner of Robert A. and Gayle C. Tuttle tract, as recorded in Deed Book 2199, Page 830 in the Office of the Register of Deeds of Guilford County, said point being in the centerline of Fleming Road (NCSR 2136); thence N 57° 37' 43" E approximately 30 feet to a point on the northeastern right-of-way line of Fleming Road; thence in a southeasterly direction along said right-of-way line 238.3 feet to a point on the Summerfield town limits; thence in a southwesterly direction, crossing Fleming Road, approximately 60 feet to the intersection of the southwestern right-of-way line of Fleming Road and the western line of Porter D. and Dorothy P. Tuttle, as recorded in Deed Book 1735, Page 342 in the Office of the Register of Deeds; thence S 01° 19' 35" W 35.68 feet along Porter D. Tuttle's northwestern line to a point; thence S 50° 24' 09" W 165.55 feet to a new iron pipe; thence S 40° 00' 54" E 189.37 feet to an existing iron pipe; thence S 02° 20' 08" W 470.83 feet to an existing iron pipe; thence S 02° 38' 27" W 205.33 feet to an existing iron pipe; thence S 86° 27' 37" W 496.20 feet to an existing iron pipe; thence N 02° 15' 27" E 612.37 feet to an existing iron pipe; thence S 35° 56' 11" W 215.01 feet to an existing iron pipe; thence S 66° 12' 56" W 189.42 feet to an existing iron pipe; thence S 43° 04' 29" W 204.30 feet to an existing iron pipe; thence S 02° 20' 08" W 470.83 feet to an existing iron pipe; thence N 29° 27' 11" W 308.44 feet to an existing iron pipe; thence N 29° 22' 53" W 51.25 feet to an existing iron pipe; thence N 29° 25' 13" W 107.93 feet to an existing iron pipe; thence N 29° 26' 15" W 152.21 feet to a new iron pipe; thence N 60° 33' 15" E 249.88 feet to an existing iron pipe; thence N 60° 34' 14" E 583.57 feet to an existing iron pipe; thence S 36° 45' 51" E 189.43 feet to an existing iron pipe; thence N 57° 19' 56" E 307.21 feet to an existing iron pipe; thence N 57° 37' 43" E 29.09 feet to the point and place of BEGINNING, containing approximately 21.248 acres, and being all of Stratford Green Townhomes subdivision and abutting Fleming Road right-of-way.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City

and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2003.

(Signed) Thomas M. Phillips

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Councilmember Gatten moved that the ordinance establishing original zoning of the property located on the southwest side of Fleming Road east of Pine Cove Road and north of Southport Road to Conditional Use – RM-5 Residential Multifamily be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the use of the property for a townhouse development.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because the property is under construction based upon an approved site plan and under the stated conditions.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this request carries forth the same zoning classification which has previously been approved by Guilford County and this development is compatible with surrounding residential land use.

The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-215 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

SOUTHWEST SIDE OF FLEMING ROAD EAST OF PINE COVE ROAD AND NORTH OF SOUTHPORT ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – RM-5 Residential Multifamily to City Zoning Conditional Use – RM-5 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at the northeastmost property corner of Robert A. and Gayle C. Tuttle tract, as recorded in Deed Book 2199, Page 830 in the Office of the Register of Deeds of Guilford County, said point being in the centerline of Fleming Road (NCSR 2136); thence N 57° 37' 43" E approximately 30 feet to a

point on the northeastern right-of-way line of Fleming Road; thence in a southeasterly direction along said right-of-way line 238.3 feet to a point on the Summerfield town limits; thence in a southwesterly direction, crossing Fleming Road, approximately 60 feet to the intersection of the southwestern right-of-way line of Fleming Road and the western line of Porter D. and Dorothy P. Tuttle, as recorded in Deed Book 1735, Page 342 in the Office of the Register of Deeds; thence S 01° 19' 35" W 35.68 feet along Porter D. Tuttle's northwestern line to a point; thence S 50° 24' 09" W 165.55 feet to a new iron pipe; thence S 40° 00' 54" E 189.37 feet to an existing iron pipe; thence S 02° 20' 08" W 470.83 feet to an existing iron pipe; thence S 02° 38' 27" W 205.33 feet to an existing iron pipe; thence S 86° 27' 37" W 496.20 feet to an existing iron pipe; thence N 02° 15' 27" E 612.37 feet to an existing iron pipe; thence S 35° 56' 11" W 215.01 feet to an existing iron pipe; thence S 66° 12' 56" W 189.42 feet to an existing iron pipe; thence S 43° 04' 29" W 204.30 feet to an existing iron pipe; thence S 02° 20' 08" W 470.83 feet to an existing iron pipe; thence N 29° 27' 11" W 308.44 feet to an existing iron pipe; thence N 29° 22' 53" W 51.25 feet to an existing iron pipe; thence N 29° 25' 13" W 107.93 feet an existing iron pipe; thence N 29° 26' 15" W 152.21 feet a new iron pipe; thence N 60° 33' 15" E 249.88 feet to an existing iron pipe; thence N 60° 34' 14" E 583.57 feet to an existing iron pipe; thence S 36° 45' 51" E 189.43 feet to an existing iron pipe; thence N 57° 19' 56" E 307.21 feet to an existing iron pipe; thence N 57° 37' 43" E 29.09 feet to the point and place of BEGINNING, containing approximately 21.248 acres, and being all of Stratford Green Townhomes subdivision and abutting Fleming Road right-of-way.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: Attached townhouses.
- 2) The existing lake will be modified as necessary to meet requirements as a runoff control structure.
- 3) The portion of the property west of the pond will remain natural and undisturbed as open space (except for required utilities and erosion control structures).
- 4) Maximum eighty units.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Florence F. Gatten

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located west of Triad Drive and north of I-40—20.549 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Agricultural and Conditional Use-Light Industrial to City Zoning Conditional Use-Light Industrial with specific conditions for property located on the north side of Interstate 40 south of Neville Road and west of Triad Drive. The Mayor administered the oath to those individuals who wished to speak.

Mr. Martin stated that the Planning Board, Zoning Commission and Planning Department recommended approval of the two ordinances; he provided the following staff presentation:

REQUEST – ITEM 19

This request is to establish original zoning of property from County Zoning Agricultural and Conditional Use – Light Industrial to City Zoning Conditional Use – Light Industrial.

The Agricultural District is primarily intended to accommodate uses of an agricultural nature and scattered nonfarm dwellings on large lots.

The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities.

The existing CU-LI District contains the conditions which are listed on the agenda and in the copy of the staff presentation:

- 1) Uses: All uses in the LI, except that no new billboards shall be erected.
- 2) Property to be developed in accordance with the zoning sketch plan.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: All those uses permitted in the LI zoning district except no new billboards will be permitted.
- 2) No access will be provided to Neville Road until such time as the properties to the east and west are also zoned to an LI or similar zoning district.
- 3) Triad Drive will be extended to the property as the primary access for the property.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 20.5 acres and is located on the north side of Interstate 40 south of Neville Road and west of Triad Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	AG CU-LI	Vacant parcel Single family dwelling; mostly vacant & wooded land
North	AG	Approximately 6 single family dwellings
East	AG	Single family dwelling; mostly vacant land
South	CU-HI LI	Holox & Interstate 40 Out of Doors Mart (RV parts & accessories)
West	AG	Vacant land

Mayor Holliday asked if anyone wished to be heard.

Charlie Melvin, attorney with offices at 300 North Greene Street; and Jim Bland, residing at 308 Beechcliff Court, Winston-Salem, NC, spoke in favor of the annexation and zoning. They spoke to the proposed relocation to Greensboro by Bland Enterprises, LLC, of the Mack truck distributorship currently located in Kernersville, NC. Mr. Melvin spoke to the assemblage of property for this development, the lack

of flexibility in developing the property in unincorporated Guilford County using well and septic tank, and the owner's goal to develop a showplace for this company.

After brief discussion, Councilmember Carmany moved that the public hearing be closed. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 19 – I-40 and Neville Road

The Planning Department recommends that this original zoning be approved.

This property lies west of the present terminus of Triad Drive, approximately 500 feet west of the present city limits.

There is an 8-inch water line in Neville Road and another of the same size extending along Triad Drive which can be extended westward.

To obtain sewer service, the developer would have to build a lift station alongside a stream somewhat west of the annexation.

The Greensboro Planning Board unanimously recommended in favor of the annexation at its September 18, 2002 meeting.

The property is presently zoned CU-LI by the County; however, the requested original zoning contains an additional condition which enhances the proposal.

That is the requirement that Triad Drive be extended to the property as the primary access.

Furthermore, the residential uses along Neville Road will be protected from traffic associated with use of the subject property by Condition #2.

The area north of this property extending to West Market Street and back to Sandy Ridge Road is, for the most part, zoned industrial or is definitely trending in that direction.

This request is compatible with that trend in land use.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits located west of Triad Drive and north of I-40—20.549 acres. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-216 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED WEST OF TRIAD DRIVE AND NORTH OF I-40 – 20.549 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the northern right-of-way line of Triad Drive and the eastern line of Cleo H. Holt, as recorded in Deed Book 4102, Page 2169 in the Office of the Register of Deeds of Guilford County; thence proceeding along said right-of-way line N 85° 09' W 130.67 feet to a point; thence continuing along said right-of-way line with a curve to the left with radius of 60 feet S 64° 16' 50" W a chord distance of 61.02 feet and arc distance of 64.02 feet to a point; thence with a curve to the left with radius of 511.42

feet N 78° 23' 50" W a chord distance of 36.43 feet and arc distance of 36.44 feet to a point; thence N 80° 26' 20" W 488.78 feet to a point; thence with a curve to the left with radius of 1,825.84 feet N 82° 54' 30" W a chord distance of 157.26 feet and arc distance of 157.32 feet to a point; thence N 85° 22' 30" W 17.45 feet to the northeast corner of KWK Land Corp.; thence N 81° 48' 40" W 492.38 feet along KWK's northern line to the northwest corner of KWK; thence S 5° 44' 20" E 122.58 feet along KWK's western line to a point in the northern right-of-way line of Interstate 40; thence N 67° 23' 40" W 1,167.82 feet along said right-of-way line to the southeast corner of Donald B. Efird; thence N 1° 58' 40" E 379.04 feet along Efird's eastern line to Efird's northeast corner; thence S 83° 52' E 340.79 feet along the southern line of Plez Avery Transou to Transou's southeast corner; thence S 4° 01' 50" W 96.14 feet along the western line of Billy C. Hinson to Hinson's southwest corner; thence S 84° 24' 50" E 250.05 feet along Hinson's southern line to Hinson's southeast corner; thence N 4° 02' 10" E 239.84 feet along Hinson's eastern line to a point in the southern right-of-way line of Neville Road (NCSR 1913); thence with said right-of-way line S 84° 17' 10" E 181.41 feet to a point and S 84° 22' 10" E 181.32 feet to the northwest corner of Lot 3 of Roy L. Hendrix subdivision, as recorded at Plat Book 50, Page 41 in the Office of the Register of Deeds; thence S 4° 06' 30" W 241.46 feet along the western line of said Lot 3 to its southwest corner; thence S 84° 09' 30" E 181.42 feet along the southern line of said Lot 3 to its southeast corner; thence S 84° 15' 10" E 181.56 feet along the southern line of Lot 4 of said subdivision to its southeast corner; thence S 84° 19' 40" E 191.89 feet along the southern line of Edward W. Holmes to his southeast corner; thence N 0° 25' E 117.14 feet along Holmes' eastern line to a point in the southern right-of-way line of Farrington Road (NCSR 1849); thence with said right-of-way line S 85° 06' 50" E 50.15 feet to the northwest corner of Lot 1 of Farrington Acres subdivision, as recorded at Plat Book 117, Page 16 in the Office of the Register of Deeds; thence S 0° 25' W 610.18 feet along the western line of said Lot 1 to a point; thence S 85° 22' 30" E 22.21 feet to a point; thence with a curve to the right with radius of 1,885.84 feet S 82° 54' 30" E a chord distance of 162.44 feet and arc distance of 162.49 feet to a point; thence S 80° 26' 20" E 488.78 feet to a point; thence with a curve to the right with radius of 571.42 feet S 77° 17' E a chord distance of 62.88 feet and arc distance of 62.91 feet to a point; thence S 70° 05' 40" E 100.00 feet to a point; thence with a curve to the left with radius of 280 feet S 79° 37' 20" E a chord distance of 53.94 feet and arc distance of 54.03 feet to the point and place of BEGINNING, and containing 20.549 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2003.

(Signed) Yvonne J. Johnson

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Councilmember Phillips moved that the ordinance establishing original zoning classification from County Zoning Agricultural and Conditional Use-Light Industrial to City Zoning Conditional Use-Light Industrial with specific conditions for property located on the north side of Interstate 40 south of Neville Road and west of Triad Drive be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the potential uses of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because the property is presently zoned CU-LI by the County with similar conditions, except that this proposal requires the extension of Triad Drive which enhances the request and provides access to Neville Road only when the properties to the east and west are also zoned to LI or a similar district.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because this area is definitely trending toward industrial zoning and development.

The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins and Vaughan. Noes: None.

02-227 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

NORTH SIDE OF INTERSTATE 40 SOUTH OF NEVILLE ROAD AND WEST OF TRIAD DRIVE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural and Conditional Use – Light Industrial to City Zoning Conditional Use – Light Industrial (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the northern right-of-way line of Triad Drive and the eastern line of Cleo H. Holt, as recorded in Deed Book 4102, Page 2169 in the Office of the Register of Deeds of Guilford County; thence proceeding along said right-of-way line N 85° 09' W 130.67 feet to a point; thence continuing along said right-of-way line with a curve to the left with radius of 60 feet S 64° 16' 50" W a chord distance of 61.02 feet and arc distance of 64.02 feet to a point; thence with a curve to the left with radius of 511.42 feet N 78° 23' 50" W a chord distance of 36.43 feet and arc distance of 36.44 feet to a point; thence N 80° 26' 20" W 488.78 feet to a point; thence with a curve to the left with radius of 1,825.84 feet N 82° 54' 30" W a chord distance of 157.26 feet and arc distance of 157.32 feet to a point; thence N 85° 22' 30" W 17.45 feet to the northeast corner of KWK Land Corp.; thence N 81° 48' 40" W 492.38 feet along KWK's northern line

to the northwest corner of KWK; thence S 5° 44' 20" E 122.58 feet along KWK's western line to a point in the northern right-of-way line of Interstate 40; thence N 67° 23' 40" W 1,167.82 feet along said right-of-way line to the southeast corner of Donald B. Efird; thence N 1° 58' 40" E 379.04 feet along Efird's eastern line to Efird's northeast corner; thence S 83° 52' E 340.79 feet along the southern line of Plez Avery Transou to Transou's southeast corner; thence S 4° 01' 50" W 96.14 feet along the western line of Billy C. Hinson to Hinson's southwest corner; thence S 84° 24' 50" E 250.05 feet along Hinson's southern line to Hinson's southeast corner; thence N 4° 02' 10" E 239.84 feet along Hinson's eastern line to a point in the southern right-of-way line of Neville Road (NCSR 1913); thence with said right-of-way line S 84° 17' 10" E 181.41 feet to a point and S 84° 22' 10" E 181.32 feet to the northwest corner of Lot 3 of Roy L. Hendrix subdivision, as recorded at Plat Book 50, Page 41 in the Office of the Register of Deeds; thence S 4° 06' 30" W 241.46 feet along the western line of said Lot 3 to its southwest corner; thence S 84° 09' 30" E 181.42 feet along the southern line of said Lot 3 to its southeast corner; thence S 84° 15' 10" E 181.56 feet along the southern line of Lot 4 of said subdivision to its southeast corner; thence S 84° 19' 40" E 191.89 feet along the southern line of Edward W. Holmes to his southeast corner; thence N 0° 25' E 117.14 feet along Holmes' eastern line to a point in the southern right-of-way line of Farrington Road (NCSR 1849); thence with said right-of-way line S 85° 06' 50" E 50.15 feet to the northwest corner of Lot 1 of Farrington Acres subdivision, as recorded at Plat Book 117, Page 16 in the Office of the Register of Deeds; thence S 0° 25' W 610.18 feet along the western line of said Lot 1 to a point; thence S 85° 22' 30" E 22.21 feet to a point; thence with a curve to the right with radius of 1,885.84 feet S 82° 54' 30" E a chord distance of 162.44 feet and arc distance of 162.49 feet to a point; thence S 80° 26' 20" E 488.78 feet to a point; thence with a curve to the right with radius of 571.42 feet S 77° 17' E a chord distance of 62.88 feet and arc distance of 62.91 feet to a point; thence S 70° 05' 40" E 100.00 feet to a point; thence with a curve to the left with radius of 280 feet S 79° 37' 20" E a chord distance of 53.94 feet and arc distance of 54.03 feet to the point and place of BEGINNING, and containing 20.549 acres.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All those uses permitted in the LI zoning district except no new billboards will be permitted.
- 2) No access will be provided to Neville Road until such time as the properties to the east and west are also zoned to an LI or similar zoning district.
- 3) Triad Drive will be extended to the property as the primary access for the property.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 1932 Fleming Road—53.84 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family and rezoning from City Zoning RS-12

Residential Single Family and Conditional Use-RM-5 Residential Multifamily to City Zoning Conditional Use-RM-8 Residential Multifamily with specific conditions for property located on the east side of Fleming Road and southwest side of Horse Pen Creek Road, southeast of Chance Road, north of the termini of Norwich Drive and Bledsoe Drive and west of Quaker Run Drive.

After Councilmember Perkins stated that his company had a financial interest in these issues, the City Attorney agreed that he should be allowed to abstain from voting. Councilmember Vaughan moved to excuse Councilmember Perkins from voting on the two ordinances due to conflict of interest. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Mr. Martin used a map to illustrate the property proposed for annexation and original zoning and provided the following staff presentation:

REQUEST – ITEM 21

This request is to establish original zoning of property from County Zoning RS-40 Residential Single Family and to rezone from City Zoning RS-12 Residential Single Family and Conditional Use – RM-5 Residential Multifamily to City Zoning Conditional Use – RM-8 Residential Multifamily.

The RS-40 District is primarily intended to accommodate single family detached dwellings on large lots in areas without access to public water and sewer at a density of 1.0 unit per acre or less.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

The RM-5 and RM-8 Districts are primarily intended to accommodate duplexes, townhouses, cluster housing and similar residential uses at a density of 5.0 and 8.0 units per acre, respectively.

The existing CU-RM-5 District contains the conditions which are listed on the agenda and in the copy of the staff presentation:

- 1) A maximum of 54 multifamily units will be constructed on-site.
- 2) A stub minor thoroughfare street off of Horse Pen Creek Road will be provided for future extension to Fleming Road.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All single family attached and detached residential uses (including townhomes, duplexes and “villa” type homes) permitted under the RM-8 zoning district.
- 2) The total number of dwelling units shall not exceed 396 (5.04 units per acre).
- 3) All homes shall be offered for sale to the public.
- 4) There shall be no trash compactor and no dumpster located on the property other than for the purpose of collecting and removing construction debris.
- 5) Building construction shall consist of wood frame material with brick accents.
- 6) No building shall exceed two stories in height as viewed from the front.
- 7) In cooperation with GDOT, the developer shall dedicate the necessary additional right-of-way and widen Fleming Road along the property’s Fleming Road frontage.
- 8) In cooperation with GDOT and within widened Fleming Road, the developer shall provide a southbound left turn lane into the property.
- 9) In cooperation with GDOT, the developer shall dedicate necessary right-of-way for the proposed east-west connector between Fleming Road and Horse Pen Creek Road.
- 10) Within an area of approximately a half acre in the property’s northwestern corner, the developer shall preserve all oak trees more than three (3) feet in diameter.

- 11) The developer will establish and preserve an area of approximately twenty (20) acres of environmentally sensitive land associated with Horse Pen Creek and an unnamed tributary flowing in a generally southeastern direction through the site. This area shall remain undisturbed except that required utilities, road crossings, storm water pond(s) or other best management water quality practices, and/or walking trails may encroach into this area.
- 12) The developer will provide 4' sidewalks on one side of all internal private streets and a 5' sidewalk along the property's Fleming Road frontage.
- 13) In cooperation with the City of Greensboro Water Resources Department, the developer shall set aside an area of approximately three (3) acres, which may be purchased by the City of Greensboro for the Bledsoe Sewer left station. The area shall be in general conformance with the preliminary plan dated February 11, 2002, prepared by the City of Greensboro Engineering Division.
- 14) All street and other lighting shall be in harmony with the buildings constructed therein and shall be sufficient to provide adequate security for the inhabitants without disturbing adjoining property owners.
- 15) The proximity of Piedmont Triad International Airport shall be disclosed to all purchasers of homes within the development in the developer's recorded declaration of covenants and restrictions.
- 16) The developer shall provide a continuous 20' landscape buffer along the property's southern boundary abutting all single family lots. The planting material in this buffer shall be at double the size and double the planting rate required by the Type C buffer yard. Within the 20' buffer, the developer will construct an earthen berm, approximately 5' in height, and in addition to the landscaping set forth herein, shall plant evergreen trees (8' – 10'), at no more than 15' on center, between any buildings and the Friendly Lakes North subdivision.
- 17) Any landscape irrigation shall be performed utilizing well-water or water other than that supplied by the City of Greensboro.
- 18) Along the property's Fleming Road frontage, the developer will construct an earthen berm, approximately 5' in height, with a landscape buffer consisting of evergreen trees (8' – 10') planted no more than 15' on center between any buildings and Fleming Road.
- 19) Purchase contract between developer and original purchasers shall include a statement similar to that which is in the recorded declaration of covenants and restrictions disclosing the proximity of Piedmont Triad International Airport.

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 78.5 acres and is located on the east side of Fleming Road and southwest side of Horse Pen Creek Road southeast of Chance Road, north of the termini of Norwich Drive and Bledsoe Drive and west of Quaker Run Drive.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	RS-40 (Co) RS-12, CU-RM-5	Single family dwelling; mostly vacant land Vacant land – CU-RM-5 portion permits 54 multifamily units
North	CU-GO-M (Co) RS-12(CL) RS-12	Vacant Huntingdon Subdivision Quaker Run Subdivision
East	RS-12 CU-RM-5 RS-15	Single family dwelling Open space of Sullivan's Lake Townhomes Vacant land
South	RS-15	Subdivision north of Bledsoe Drive

Mr. Martin stated that the Planning Department recommended denial of the request and the Zoning Commission voted to recommend its approval; he thereupon presented slides of the property and surrounding area.

The Mayor administered the oath to those individuals who wished to speak to this matter.

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The Mayor declared a recess at 7:40 p.m.

The meeting reconvened at 7:58 p.m. with all members of Council present.

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The Mayor asked if anyone wished to be heard on Items 20 and 21.

The following individuals spoke in favor of the annexation and original zoning.

Henry Isaacson, attorney with offices at 101 West Friendly Avenue and representing Fellowship Hall, Inc. and Portrait Homes, provided a history of the property and information about the owners of the property. He requested Council to amend the proposed ordinance by amending Condition # 2 to read as follows: "The total number of dwelling units shall not exceed 388 (4.94 units per acre)"; and to add a new condition #20 to read as follows: "The existing residential structure, known as the Bond-McAlister House, will be retained and preserved."

Councilmember Phillips moved to amend the ordinance as requested by Mr. Isaacson. The motion was seconded by Councilmember Burroughs-White and adopted by voice vote of Council, with Councilmember Perkins abstaining due to conflict of interest.

Mr. Isaacson used a map to illustrate the property, provided and reviewed information related to the proposed development of the property; i.e., conditions contained in the proposed ordinance, an illustrative site plan, etc. He spoke to the size and appropriate land use for the property, stated the development would not adversely affect the surrounding property nor create problems with schools, traffic, or stormwater runoff. Speaking to the proximity of the development to the airport, he stated the development was in keeping with airport area plan and away from noise cone. Noting other residential development in the area, Mr. Isaacson stated he believed this property to be an excellent location for this development that would allow the pump station's relocation and provide affordable housing.

Steve Stansberry, representing Kimley Horn, used a map to show access of the site location to nearby major thoroughfares and the proximity to the proposed urban loop. He addressed concerns with respect to transportation issues; he stated the proposed development would have access to major roads, reviewed a comparison of trip generation for development alternatives and stated the difference between trips generated by townhomes and single family development was not significant and would not be apparent in an analysis of local intersection operations. Mr. Stansberry stated there was no accident history for the roadway and noted that the conduct of evaluations with regard to service levels had indicated the development of this site would not contribute to unacceptable traffic levels.

Paul Holst, 4411 West Market Street, General Manager of Portrait Homes, spoke to development in this area; reiterated the need for affordable, maintenance free homes in Greensboro; offered information about demographics, the housing market, clientele, makeup of the community, criteria for site selection, location of this property in relation to the roadway system and financial benefits to the City.

The following individuals spoke in opposition to the annexation and zoning.

Bob Johnson, residing at 5612 Bledsoe Drive, presented a petition purportedly signed by opponents of this proposed development, provided a history of this small community and expressed concern with respect to the quantity of ongoing development in the area. He spoke to the location of the floodplain in the area and concern with regard to the impact this development would have on the area's water flow pattern and on Horse Pen Creek. (A copy of the petition is filed in Exhibit Drawer N, Exhibit Number 43, which is hereby referred to and made a part of these minutes.)

John T. "Tom" Dukes, residing at 1902 Haven Road, spoke to a meeting with Portrait Homes representatives which had indicated the developer planned to bulldoze the McAlister House located on the property. He offered information related to neighborhood demographics, land use intent of original land owner A. W. McAllister, Jr., and stated Guilford County considered the house to have historical significance. He requested Council to support staff's position and deny the annexation and original zoning.

Germaine Jacke, residing at 1800 Norwich, expressed concerns with respect to the density of the proposed development and the impact the development would have on water quality because of the wetlands involved, and the negative impact this development would have on area homes; i.e. traffic, safety and property values.

Virgil Tetsworth, residing at 4623 Country Woods Lane, spoke to the neighborhood petition in opposition to the annexation and original zoning. He spoke to the character of the neighborhood and stated he believed the proposed development would be obtrusive because of size and density, would change the character of the neighborhood and would have a negative impact on property values.

The following individuals spoke in favor of the annexation and original zoning during the rebuttal period.

Chuck Truby, residing at 4600 Charlottesville Road, spoke to his analysis of the potential impact of flooding on Horse Pen Creek, noted area efforts to control water runoff, explained the purpose and operation of water retention ponds, reiterated that the developer would have to follow requirements for development, stated the increased water runoff would be controlled as a result of the ordinance and stated, in his opinion, the development would have no appreciable impact on the neighborhood.

Mose Kiser, Jr., residing at 312 Irving Place, stated he was on the Board of Directors of Fellowship Hall. He advised that money from the sale of this property would be used to perpetuate the Hall, stated the intent of Mr. McAlister was to help the Hall, and stated he believed the development would have a positive impact on the area.

Paul Holtz, provided additional information to Council with regard to police reports.

Speaking during the rebuttal period for the opponents, Margaret E. Jacke, residing at 1800 Norwich Drive, reiterated concern with traffic, flood plain and water contamination issues. She stated she believed the density did not conform to the surrounding neighborhood, spoke to the impact high density development had on wells in the area, spoke to various area development that impacted the floodplain, noted existing homes were impacted by water runoff and could experience flooding, density does not conform to surrounding neighborhoods, offered personal thoughts about area development and asked Council to deny the request.

Councilmember Gatten moved to close the public hearing on items 20 and 21. The motion was seconded by Councilmember Burroughs-White and adopted by voice vote of Council, with Councilmember Perkins abstaining due to conflict of interest.

Mr. Martin provided the following staff recommendation:

Item 21 – Fleming Road/Horse Pen Creek Road

The Planning Department recommends that this original zoning and rezoning be denied.

This property is bounded on three sides by the present city limits and the northeastern part of the tract is already inside the city and zoned RS-12 and CU-RM-5.

It is also, for the most part, surrounded by single family zoning at a much lower density than what is being proposed for this property.

When the area for street right-of-way, environmentally sensitive land, and tract set aside for the sewage lift station is factored out, the density of this development approaches 8 units per acre.

Surrounding densities to the north are in the range of 3-4 units per acre, to the east (with the exception of the open space area of Sullivan's Lake Townhomes) it is 2 ½ -3 units per acre, to the south it is 2 ½ units per acre, and to the west it is 1-3 units per acre.

The CU-GO-M property to the north prohibits multifamily development but does allow single family at a density of 1.0 unit per acre.

Given this surrounding zoning pattern and the close proximity to the 65 DNL noise contour, staff feels that this would be a likely candidate for RS-12 original zoning.

Council discussed various opinions and concerns with respect to these issues; i.e., stormwater concerns, density of the proposed development, the intent of the original owner which the City Attorney advised was not relevant to the issue being considered by Council, etc. Mr. Martin spoke to the 1-2 year timeframe for completion of the ongoing flood plain study. any revisions wait until finished.

Councilmember Gatten moved that the ordinance annexing territory to the corporate limits located at 1932 Fleming Road—53.84 acres be denied. The motion was seconded by Councilmember Phillips. After the vote was recorded, Councilmember Jessup stated he had inadvertently not voted as he had intended. Upon motion of Councilmember Vaughan, seconded by Councilmember Carmany, the Council unanimously instructed the Clerk to clear the board. The ordinance was thereupon **DEFEATED** on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Phillips, and Vaughan. Noes: None, with Councilmember Perkins abstaining due to conflict of interest. (A copy of the ordinance as introduced and DEFEATED and additional information received is filed in Exhibit Drawer N, Exhibit Number 43, which is hereby referred to and made a part of these minutes.)

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It was the consensus of the City Council that because the annexation had been defeated, Item #21 the ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family and rezoning from City Zoning RS-12 Residential Single Family and Conditional Use-RM-5 Residential Multifamily to City Zoning Conditional Use-RM-8 Residential Multifamily with specific conditions for property located on the east side of Fleming Road and southwest side of Horse Pen Creek Road southeast of Chance Road, north of the termini of Norwich Drive and Bledsoe Drive and west of Quaker Run Drive should be deleted from the agenda.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from Conditional Use-General Office Moderate Intensity to Conditional Use-Limited

Business with specific conditions for property located on the east side of North Elm Street between Pisgah Church Road and Kenneth Road. He noted this matter was being heard after receiving a 5-1 vote by the Zoning Commission to recommend approval of the ordinance. The Mayor administered the oath to those individuals who wished to speak to this matter.

After Councilmember Perkins stated that his company had a financial interest in these issues, the City Attorney agreed that he should be allowed to abstain from voting on the ordinance. Councilmember Vaughan moved to excuse Councilmember Perkins from voting on the two issues due to conflict of interest. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Mr. Martin used a map to illustrate the property and surrounding areas; he advised the Planning Department recommended denial of the request, and the Planning Board had recommended approval. Council waived the slide presentation.

Mr. Martin thereupon presented the following staff presentation:

REQUEST – ITEM 22

This request is to rezone property from Conditional Use – General Office Moderate Intensity to Conditional Use – Limited Business.

The General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a density of 12.0 units per acre or less, and supporting service uses.

The Limited Business District is primarily intended to accommodate moderate intensity shopping and services close to residential areas.

The existing CU-GO-M District contains the conditions which are listed on the agenda and in the copy of the staff presentation:

- 1) All uses under the following subsections: Educational and Institutional; Recreational; Business, Professional and Personal Services; and Optical Goods Sales.
- 2) There shall be a maximum of 3 curb cuts for the subject property.
- 3) Buildings limited to 2 stories in height.
- 4) Freestanding signs shall be landscaped monument signs, a maximum of 8 feet high.
- 5) The landscape buffer on the eastern side of the subject property shall be double the planting rate provided in the Development Ordinance.
- 6) The street planting yard will be a minimum of 15 feet wide.
- 7) Any waste disposal units (i.e. dumpsters) will be screened.
- 8) All outside lighting shall be directed toward the interior of the subject property.
- 9) Petitioner shall include in each Deed of Conveyance of the subject property a restrictive covenant, which he shall not thereafter release and which will run with the land to the effect that any part of the subject property shall be used only for offices and parking in connection therewith and for no other purposes.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses: All uses in Limited Business except the following, which are excluded: Agriculture; Residential; Recycling Collection Points; all Recreational Uses (with the exception of Dance Schools, Physical Fitness Centers, Sports Instructional Schools and Sports and Recreation Clubs); all uses under Educational and Institutional (with the exception of Museums and Art Galleries or Post Offices); Laundromats; Building Supply Sales; Convenience Stores with fuel pumps; Kennels r

- Pet Grooming Services; Service Stations (gasoline); Transportation, Warehouse and Utilities; or Christmas Tree Sales.
- 2) Freestanding signs shall be landscaped, monument signs maximum 8 feet in height.
 - 3) Buildings shall be limited to two-stories or maximum 50 feet in height to top of cupola.
 - 4) Maximum of one (1) new driveway cut on the east side of North Elm Street.
 - 5) Minimum 15 foot wide planting yard behind right-of-way of North Elm Street.
 - 6) Double the planting rate provided in the Development Ordinance within the street planting yard.
 - 7) Waste disposal units shall be screened from view, and a waste dumpster will not be located adjacent to Lot 3.
 - 8) All outside lighting shall be directed toward the interior of the property.
 - 9) Leyland Cypress to be planted along side of lot adjoining Lot 3 (Glartage, LLC).

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 3.9 acres and is located on the east side of North Elm Street between Pisgah Church Road and Kenneth Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	CU-GO-M	Dental office, wet detention pond & vacant lot
North	CU-GO-M	North Elm Street Animal Hospital
East	RS-40 (Co)	Single family dwelling & vacant land
South	CU-LB	Strip commercial, service & office development
West	CU-GO-M	Two office buildings & vacant land

Mayor Holliday asked if anyone wished to be heard.

Jay DeVaney, attorney with offices at 700 Green Valley Road and representing North Elm Office Property, LLC, spoke in favor of the rezoning and used a map to illustrate the property and current uses, spoke to the acquisition of property for development, stated the developers believed the proposed small retail development would be compatible with the existing neighborhood, and reviewed the zoning uses in the area. He also spoke to the property owner's efforts to market the property, the location of the property with regard to Painter Boulevard, and the Zoning Commission's recommendation based on the Lees Chapel/Pisgah Church Plan which had not been followed by this Council. Mr. DeVaney also reviewed an earlier zoning request that had a covenant added prior to defeat by Council of the rezoning request; he stated that no covenant was continued in any deeds and that, in his opinion, that covenant should not be pertinent to Council's consideration at this meeting.

City Attorney Miles confirmed that the restrictive covenants were never put in property deeds; she noted this was the first time restrictive covenants were added with regard to a zoning issue and that she did not recommend this type of action in the future.

John Stratton, residing at 2 Elm Ridge Lane, partner in the proposed development, spoke in favor of the rezoning and stated this was the last development site south of Painter. He spoke to conditions contained in the proposed ordinance and stated the proposed development was in keeping with current development in the area. In rebuttal he spoke to uses that could currently be developed on the site, stated the development would meet Greensboro's restrictions, and noted efforts to comply with water quality requirements.

Jon Barsanti, residing at 11 Teal Court, spoke in opposition to the rezoning. He offered his thoughts with regard to ongoing development and the proposed zoning change. Mr. Barsanti stated amenities were in place in this area, reiterated concerns with what he believed would be a negative impact on the water supply and quality, etc. During rebuttal, he reiterated concerns regarding this development's impact on water supply and quality in the Lake Jeanette area.

Councilmember Burroughs-White moved to close the public hearing. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 22 – North Elm Street

The Planning Department recommends that this rezoning request be denied.

This property was rezoned to CU-GO-M by City Council in January 1999.

Since this involved annexation of the property, the Zoning Commission made a favorable recommendation concerning the original zoning in November 1998.

The Planning Department recommended in favor of the CU-GO-M request since the proposal met the intent of the Pisgah Church Road – Lees Chapel Road Corridor Plan which called for no further commercial zoning north of the CU-LB lot (#2620) which is south of the subject property and contains a gas station/convenience store.

Staff is concerned about this and future commercial rezoning requests creeping up North Elm Street and their consequent impact on the extended area both within and outside the corridor.

As has been pointed out by Staff in the past, whole areas do not become commercial overnight – areas get rezoned one lot or tract at a time.

While the application contains a good set of conditions, it is still a commercial rezoning request and this does not square with the recommendation contained in the Corridor Plan.

The plan recommended that this area be zoned for either low to moderate income housing or for limited office use.

One of the lots in this proposal contains a dental office which complies with that recommendation.

North of and adjacent to this property is a veterinary service which also complies with the recommendation.

At the time City Council approved the current zoning, the property owner, through his attorney, added a condition that, by restrictive covenant, this tract was only to be used for offices and parking and for no other purposes, and that such a restriction was not to be released.

Staff feels that office zoning is appropriate for this property and that complies with the intent of the Corridor Plan.

Council discussed various issues related to the proposed rezoning; i.e., number of curb cuts allowed on the property, the Lees Chapel-Pisgah Church Corridor Study recommendations, the proposed development of the property, uses that were permitted under the current zoning, the earlier zoning action on this property, etc. Councilmember Carmany stated Council attempted to send a message when the last

zoning was denied to set a boundary for commercial development; she stated she believed the Council should adhere to that decision and she would vote against the zoning request.

Councilmember Vaughan moved that the ordinance rezoning from Conditional Use-General Office Moderate Intensity to Conditional Use-Limited Business with specific conditions for property located on the east side of North Elm Street between Pisgah Church Road and Kenneth Road be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the potential uses of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because it will not affect those.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because it is consistent with zoning already in the area and the use pattern.

The motion was seconded by Councilmember Jessup; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Gatten, Holliday, Jessup, Johnson, Phillips and Vaughan. Noes: Carmany, with Councilmember Perkins abstaining due to conflict of interest.

02-218 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

EAST SIDE OF NORTH ELM STREET BETWEEN PISGAH CHURCH ROAD AND KENNETH ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from Conditional Use – General Office Moderate Intensity to Conditional Use – Limited Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the eastern right-of-way line of North Elm Street, said point being the northwest corner of Lot 2 of Duncan Subdivision as recorded in Plat Book 134, Page 131 in the Office of the Guilford County Register of Deeds; thence along said eastern right-of-way line N04°17'02"E 82.75 feet to a point; thence continuing along said right-of-way line along a curve to the right a chord bearing and distance N04°52'28"E 116.61 feet to a point; thence continuing along said right-of-way line along a curve to the right a chord bearing and distance N05°58'02"E 333.24 feet to a point; thence continuing along said right-of-way line N07°38'53"E 225.06 feet to a point; thence leaving said right-of-way line S86°00'19"E 249.58 feet to a point; thence S04°10'36"W 647.35 feet to a point; thence N84°32'14"W 273.84 feet to the point and place of BEGINNING and being Lots 3, 4 and common area of said Duncan Subdivision.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses in Limited Business except the following, which are excluded: Agriculture; Residential; Recycling Collection Points; all Recreational Uses (with the exception of Dance Schools, Physical Fitness Centers, Sports Instructional Schools and Sports and Recreation Clubs); all uses under Educational and Institutional (with the exception of

- Museums and Art Galleries or Post Offices); Laundromats; Building Supply Sales; Convenience Stores with fuel pumps; Kennels or Pet Grooming Services; Service Stations (gasoline); Transportation, Warehouse and Utilities; or Christmas Tree Sales.
- 2) Freestanding signs shall be landscaped, monument signs maximum 8 feet in height.
 - 3) Buildings shall be limited to two-stories or maximum 50 feet in height to top of cupola.
 - 4) Maximum of one (1) new driveway cut on the east side of North Elm Street.
 - 5) Minimum 15 foot wide planting yard behind right-of-way of North Elm Street.
 - 6) Double the planting rate provided in the Development Ordinance within the street planting yard.
 - 7) Waste disposal units shall be screened from view, and a waste dumpster will not be located adjacent to Lot 3.
 - 8) All outside lighting shall be directed toward the interior of the property.
 - 9) Leyland Cypress to be planted along side of lot adjoining Lot 3 (Glartage, LLC).

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Donald R. Vaughan

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance designating L. Richardson Hospital as an Historic Landmark. The Mayor asked if anyone wished to be heard.

Rick Luebke, residing at 1115 Virginia Street and a member of the Guilford County Historic Preservation Commission, spoke briefly to the item and requested Council's approval.

Councilmember Perkins moved to close the public hearing. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

02-219 ORDINANCE DESIGNATING THE L. RICHARDSON HOSPITAL AS A HISTORIC LANDMARK

WHEREAS, all the prerequisites to the adoption of the ordinance, as prescribed by Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes, have been met;

WHEREAS, the Guilford County Historic Preservation Commission has submitted a report, which is incorporated herein by reference, and recommended in a public hearing that the property described below be designated as a historic landmark;

WHEREAS, appropriate notice has been given of the public hearing as required by law;

WHEREAS, the Guilford County Historic Preservation Commission finds that the property described herein is of historical, architectural, educational, and/or cultural significance, and its preservation

should be encouraged so as to safeguard the heritage of the Town and County and to promote the use and conservation for the education, pleasure and enrichment of the residents of the Town and County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. The City Council of the City of Greensboro accepts the findings of the Guilford County Historic Preservation Commission and adopts the recommendation of the Commission for the preservation of the subject property by the authority set forth in Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes and local ordinance adopted pursuant thereto.
2. The designation includes the exteriors of the original building and subsequent additions and grounds for the entire Tax Parcel 102-5-1, as of June 18, 2002, owned by L. Richardson Hospital Limited Partnership.
3. A suitable sign shall be installed either on the property with the trustees' consent or on nearby right-of-way, and such sign shall indicate that such property has been designated as a Historic Landmark.
4. The procedures provided by law, including waiting period, shall be observed prior to demolition, alteration remodeling or removal of the designated property. This includes the process of approving a Certificate of Appropriateness before any changes are made to this designated property.
5. A certified copy of this ordinance is to be appropriately recorded with the Register of Deeds, the Tax Department and Inspections Department in accordance with provisions of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes and the local ordinance adopted pursuant thereto.
6. This ordinance shall be effective from and after its adoption.

(Signed) Claudette Burroughs-White

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The Mayor declared a recess at 9:50 p. m.

The meeting reconvened at 10:05 p.m. with all members of Council present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider the order closing West Lindsay Street between North Edgeworth Street and North Eugene Street and closing portions of two alleys in the block bounded on the north by West Smith Street, one the west by North Edgeworth Street, on the south by West Lindsay Street and on the east by North Eugene Street.

Mr. Martin used a map to illustrate the property and surrounding area. He thereupon read the following comments:

RESOLUTION 157-02, WAS ADOPTED ON SEPTEMBER 17, 2002, GIVING NOTICE OF CITY COUNCIL'S INTENT TO CLOSE THE FOLLOWING STREETS AND ALLEYS:

WEST LINDSAY STREET BETWEEN NORTH EDGEWORTH STREET AND NORTH EUGENE STREET.

A PORTION OF A 12 FOOT WIDE ALLEYWAY, RUNNING FROM WEST LINDSAY STREET NORTHWARD TOWARD WEST SMITH STREET AND BEGINNING APPROXIMATELY 190 FEET EAST OF THE NORTHEAST CORNER OF THE INTERSECTION OF WEST LINDSAY STREET AND NORTH EDGEWORTH STREET, AND RUNNING NORTHWARD TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF THE LOT DEPICTED AS GUILFORD COUNTY TAX MAP NUMBERED TM 21-3-3;

A PORTION OF A 20 FOOT WIDE ALLEY RUNNING NORTHWARD FROM LINDSAY STREET ABUTTING THE EAST LINE OF TAX MAP 21-3-8 TO THE POINT OF ITS INTERSECTION WITH THE NORTHEAST CORNER OF SAID LOT AND ITS INTERSECTION WITH A POINT 20 FEET NORTH FROM THE NORTHWEST CORNER OF LOT TM 21-3-19 IN THE WESTERN LINE OF TAX MAP LOT 21-3-18;

PERSUSANT TO THAT RESOLUTION, AN ADVERTISEMENT WAS RUN IN THE NEWS AND RECORD ON 10/9, 10/16, 10/23, 10/30 AS EVIDENCED BY AFFIDAVITS OF PUBLICATION ON FILE WITH THE CITY CLERK;

TWO NOTICES OF THE CLOSING AND PUBLIC HEARING WERE PROMINANTLY POSTED ALONG THE STREET AND ALLEYS ON OCTOBER 1ST AND CHECKED WEEKLY BY THE GREENSBORO PLANNING DEPARTMENT TO BE SURE THAT THEY REMAINED IN PLACE;

A COPY OF THE RESOLUTION AND NOTICE OF HEARING WAS SENT BY CERTIFIED MAIL TO ADJOINING PROPERTY OWNERS ON SEPTEMBER 19, 2002 ; AND THE GREEN CARDS FROM ALL ADJOINING OWNERS ARE ON FILE WITH THE CITY CLERK;

A LETTER WAS RECEIVED ON 27 SEPTEMBER 2002 FROM NCDOT INDICATING THAT IT HAS NO INTEREST IN LINDSAY STREET FROM EUGENE TO EDGEWORTH; THIS LETTER IS ON FILE WITH THE CITY CLERK;

THE CLOSING SHALL BE SUBJECT TO THE CONDITION THAT A CITY OF GREENSBORO BUILDING PERMIT, SHALL BE ISSUED FOR THE CONSTRUCTION ON THE TRACT ADJACENT TO SAID PORTION OF LINDSAY STREET FOR THE PURPOSE OF CONSTRUCTING A PROFESSIONAL BASEBALL STADIUM ACCORDING TO AN APPROVED SITE PLAN; AND UPON THE BEGINNING OF SUCH CONSTRUCTION;

THE CITY FURTHER INTENDS TO RESERVE ITS RIGHT, TITLE AND INTEREST TO ANY UTILITY IMPROVEMENTS, AND THOSE OF FRANCHISED UTILITIES, OR HELD BY UTILITY AGREEMENT WITH PRIVATE UTILITIES IN THE PARTS OF WEST LINDSAY STREET AND THE ALLEYWAYS, IF ANY.

THE PLANNING BOARD HELD A HEARING ON THE ISSUE ON OCTOBER 16TH, AFTER LETTERS WERE MAILED TO ALL ADJOINING PROPERTY OWNERS. AT THE HEARING THE PLANNING BOARD, AT THE REQUEST OF THE DEVELOPER, REDUCED THE LENGTH OF ONE ALLEY CLOSING AND VOTED 7-1 TO RECOMMEND APPROVAL OF THE CLOSING.

THE MAP THAT YOU HAVE INDICATES THE AREA THAT WAS ELIMINATED. THE PHRASE AT THE END OF THE DESCRIPTION OF THE 12 FOOT ALLEY CLOSING BEGINNING WITH "AND RUNNING" SHOULD BE AMENDED TO READ "running northward to its intersection with the southeast corner of the lot depicted as Guilford County Tax Map numbered TM 21-3-5" THE APPLICANT WILL MAKE THAT OFFICIAL REQUEST.

THE BLOCK OF WEST LINDSAY STREET IN QUESTION WAS DEDICATED SOME TIME AT THE END OF THE 19TH CENTURY OR EARLY IN THE 20TH CENTURY. IN 1926 IT WAS CALLED PRICE

STREET. IT IS PAVED AND CITY-MAINTAINED. GUILFORD COUNTY OWNS THE ABUTTING PROPERTY ON BOTH THE NORTH AND SOUTH SIDES. THE COUNTY PROPERTIES HAVE ACCESS TO SEVERAL OPEN AND PAVED PUBLIC STREETS, SO THERE ARE NO PROPERTIES DEPENDENT FOR THEIR SOLE ACCESS ON THIS BLOCK OF WEST LINDSAY STREET.

THE ALLEYS PROBABLY DATE FROM SOMEWHAT LATER. THE EASTERN ALLEY SHOWS UP ON THE 1947 CITY PROPERTY NO. 347 PLAT (PLAT BOOK 16, PAGE 35). THE WESTERN ALLEY ACTUALLY EXTENDS AS A DEDICATED ALLEY ON NORTHWARD TO WEST SMITH STREET. THE SECTION NOT BEING CONSIDERED FOR CLOSING IS PAVED AND HAS THE APPEARANCE OF A LARGE DRIVEWAY. THERE IS ANOTHER SECTION ALONGSIDE THE BUILDING AND A LITTLE BIT BEHIND THE BUILDING THAT IS PAVED AND HAS THE SAME GENERAL APPEARANCE. THEN THERE IS A RATHER STEEP BANK THAT IS NOT PASSABLE BY VEHICLES. SOUTH OF THAT EMBANKMENT TOWARD WEST LINDSAY STREET THE ALLEY IS NOT EVIDENT ON THE GROUND; IT IS SIMPLY RIGHT-OF-WAY SOMEWHERE OUT IN THE MIDDLE OF THE PARKING LOT.

THE EASTERN ALLEY, LIKE MOST OF THE WESTERN ALLEY, IS PAVED BUT NOT CITY-MAINTAINED. NORTH OF THE PORTION PROPOSED FOR CLOSING, THERE IS A WIDENED-OUT SECTION THAT IS NOT PROPOSED FOR CLOSING. THERE ARE NO PROPERTIES DEPENDENT UPON THIS WIDENED-OUT SECTION FOR ACCESS.

THERE IS A 6-INCH WATER LINE AND AN 8-INCH SEWER LINE ON WEST LINDSAY STREET. THE WATER LINE GOES THROUGH THE WHOLE BLOCK AND THE SEWER LINE GOES FROM THE EASTERN END OF THE BLOCK WESTWARD ABOUT TWO-THIRDS OF THE WAY TOWARD NORTH EUGENE STREET. ON THE WESTERN ALLEY THERE ARE NO WATER OR SEWER LINES. IN THE EASTERN ALLEY THERE IS A SEWER LINE RUNNING IN PART OF THAT ALLEY. IN THE EVENT OF STREET AND ALLEY CLOSING, THE CITY WILL RETAIN A 20-FOOT EASEMENT OVER EACH EXISTING WATER OR SEWER LINE AND A 15-FOOT EASEMENT OVER EACH OTHER UTILITY LINE UNTIL SUCH TIME AS THAT LINE IS NO LONGER NEEDED FOR PUBLIC SERVICE.

GREENSBORO DEPARTMENT OF TRANSPORTATION CONDUCTED A TRAFFIC STUDY AND WILL PRESENT ITS FINDINGS. THE TECHNICAL REVIEW COMMITTEE (TRC) RECOMMENDS THE STREET CLOSING AND THE TWO ALLEY CLOSINGS, WITH THE EFFECTIVE DATE TO BE AS SET OUT IN THE COUNCIL'S RESOLUTION OF INTENT.

IN CONCLUSION, STREET CLOSINGS IN THE CENTRAL BUSINESS DISTRICT ARE NOT UNUSUAL. PAST EXAMPLES INCLUDE

1. CLOSING OF CEDAR STREET FOR CONSTRUCTION OF WEAVER CENTER
2. CLOSING OF SYCAMORE FOR NEW YMCA
3. CLOSING OF SYCAMORE FOR CONSTRUCTION OF NEWS AND RECORD OFFICES
4. CLOSING OF SYCAMORE AND ASHE STREET FOR CONSTRUCTION OF CITY/COUNTY GOVERNMENTAL COMPLEX.

Stating that a large number of people had signed up to speak to the street closing, the Mayor requested that speakers on each side speak to this matter in a concise and expeditious manner. He stated that Council had received hundreds of messages with regard to this issue. The Mayor advised that Council had voted earlier to allow each side 30 minutes with a five minute rebuttal.

The Manager advised that Council had received a copy of the report to be presented by Jim Westmoreland, Transportation Department Director, at the October 22, 2002 briefing with regard to Eugene Street.

Mr. Westmoreland thereupon provided a PowerPoint presentation with regard to the Proposed Closing of Lindsay Street Traffic/Parking Analysis and detailed the report including analysis factors; traffic analysis findings; parking analysis findings; Eugene Street review findings; and possible Eugene Street enhancements. He stated the traffic analysis findings indicated that the closure of Lindsay Street would not create any adverse traffic or parking issues, minor intersection changes would be needed to accommodate the closure, the addition of the stadium traffic would not create any adverse traffic or parking issues, that sufficient parking existed within ¼ mile of the proposed stadium to accommodate a sell-out event, that Eugene Street could handle extra traffic demand from a stadium, etc. (A copy of the PowerPoint presentation is filed in Exhibit Drawer N, Exhibit Number 43, which is hereby referred to and made a part of these minutes.)

Council discussed with the City Manager and City Attorney the manner in which Mr. Westmoreland's staff had determined the availability of parking in the area surrounding the stadium and the special circumstances involved with downtown parking; i.e., the fact that there are no requirements for providing parking in the downtown area.

Mayor Holliday read into the record a copy of a September 16, 2002 letter from the Mike Barber, Chair of the Guilford County Commissioners, with regard to this project that explained how the Council arrived at this public hearing. (A copy of the letter is filed in Exhibit Drawer N, Exhibit Number 43, which is hereby referred to and made a part of these minutes.)

After an unidentified citizen objected to the time allotted for citizens who wished to speak in opposition to the street closing and stated he believed this was an attempt to deprive citizens of the opportunity to voice their opinions on this issue, Councilmember Johnson moved that Council reconsider the time allotted and allow 2-3 minutes per person for those individuals who wished to speak. The motion was seconded by Councilmember Jessup. Council briefly discussed the timeframe allotted to speakers with regard to this issue and stated the time Council voted on earlier in the meeting (30 minutes for proponents and opponents with each having a five-minute rebuttal period) was adequate because of the amount of communication that had taken place between Council and citizens with regard to this issue, the fact that speakers from the floor had expressed their thoughts at a number of regular Council meetings, and that this action was consistent with past Council action in setting an appropriate timeframe for speakers when an issue had drawn large crowds. After Council voted on the motion, the Mayor announced that Councilmember Johnson's motion was DEFEATED by voice vote of Council.

Mayor Holliday asked if anyone wished to be heard.

The following citizens spoke in favor of closing Lindsay Street and offered personal and/or professional comments with regard to the proposed baseball stadium and/or the street closing; their remarks included the following:

Garrett Walker, representing Action Greensboro, spoke to affidavits and other legal information provided to Council, spoke to an agreement for a County office on Maple Street for the North Eugene Street property subject to Council's authorizing the street closing. Citing portion of North Carolina General Statutes, he stated the street closing was not contrary to public interest and that no individuals would be deprived because of the closing. He submitted an affidavit regarding specific information with regard to the Lindsay Street closing; i.e., aerial photograph, Guilford County tax map, photographs of portion of West Lindsay Street and the two alleys, etc. Mr. Walker spoke to the portion of the property owned by Guilford County and noted the owners of property located on the alley had consented to the closings. (A copy of information presented by Mr. Walker is filed in Exhibit Drawer N, Exhibit Number 43, which is hereby referred to and made a part of these minutes.)

Ken Mayer, 2206 West Market Street, distributed copies of preliminary design information for the Greensboro Ballpark.

Shirley Frye, residing at 1401 Benbow Road and Chair of the Center City Master Plan Implementation Steering Committee, requested Council to proceed with the closing of one block of this street to expand horizons of Greensboro; she stated she believed the street closing to facilitate the building of a new stadium was a step in the right direction.

Greg Chabon, residing at 507 South Lindell Road, Vice-Chair of the Center City Master Plan Implementation Steering Committee, stated the request to close the street was a step to revitalize the downtown economy.

Jim Melvin, residing at 10 Willoughby Boulevard and President of the Joseph M. Bryan Foundation, reminded Council of the McKenzie report's findings and stated the Foundation was concerned about the economic development climate. He stated he believed the Greensboro economy was going in the wrong direction and spoke to lost jobs, per capita income, unemployment rate, etc. He stated this project was not about baseball or Jim Melvin but about changing the attitude of Greensboro; Mr. Melvin stated he believed that if Council closed this street, they would be proud of the downtown project and the provision of a County public services building serve the needs of Greensboro citizens. Speaking to the Foundation's work and reputation, he reiterated Joseph Bryan's provision of resources for the good of the community via economic development, as well as recreational and cultural programs. Mr. Melvin requested Council to close the street so the baseball stadium project could move forward.

Susan Schwartz, residing at 203 Parkmont Drive and Executive Director of Action Greensboro, spoke to the work and purpose of Action Greensboro to revitalize the Center City, to the creation and work of Triad Entrepreneurship and to the need for a Center City with amenities to encourage downtown residential development. She spoke to ongoing efforts to revitalize the downtown area and stated she believed the development of a baseball stadium would contribute to the center city, encourage a mix of activities, leverage additional investment and help turn around the community. She requested the Council to close the street and take advantage of this opportunity to revitalize Downtown Greensboro.

Len White, residing at 603 Sunset Drive, partner in Greensboro Baseball, LLC, stated the Greensboro Bats baseball organization supported the downtown location for a new facility and were willing to sign a long-term lease. He requested Council to close the street so this project could move forward.

Steve Bowden, Attorney, residing at 3504 Glen Forest Court, spoke in support of the street closing.

Roy Carroll, 404 North Eugene Street, owner of adjoining property on Eugene Street, endorsed the street closing and baseball stadium. He spoke to what he personally envisioned for development in the area surrounding the proposed stadium and stated he believed this was a great opportunity for Greensboro.

John Straton, residing at 2 Elm Ridge Lane, spoke to his significant monetary investment for development in the area; he stated he believed the stadium would promote revitalization downtown and that the street closing would not have a negative impact.

Milton Kern, residing at 5500 Old Brandt Trail, spoke to the millions of dollars he had invested in downtown. Noting that this private group was asking to spend private funds on a baseball stadium, he requested Council to close Lindsay Street to allow this project to move forward.

Chester "Trip" Brown, Jr., 440 West Market Street, member of Action Greensboro, spoke to his investment in the downtown area and noted that downtown investors would welcome a baseball stadium on the current County-owned property in downtown Greensboro.

Speaking to downtown deterioration, Isabelle Powell, 406 Hillcrest, stated she believed Council should support the proposed baseball stadium to help implement a positive change in the downtown area.

Jim Roach, residing at 205 East Hendrix Street in Fisher Park, spoke in favor of the proposed street closing and plans for a baseball stadium.

April Johnson, residing at 4418-1C Feldspar Court, spoke in support of the street closing and baseball stadium that would provide new activities for young professionals.

Carol Bruce, residing at 2007 Tiffany Place and a member of the Chamber Board, spoke to Action Greensboro's plans for rebuilding Greensboro and offered her endorsement of the baseball stadium at the proposed location.

Randy Harris, residing at 2208 Acorn Road and representing the Greensboro Jaycees Board, stated this Board had passed a resolution supporting Action Greensboro and the proposed baseball stadium. He spoke to possible future rental of the parking area at the Jaycee facility for baseball patrons.

Lawrence Cox, residing at 909 Magnolia Street in Fisher Park, spoke in support of the baseball stadium and asked Council to close Lindsay Street.

Tim Jones, residing at 1610 Woodridge Avenue, spoke in support of the baseball stadium proposal and to the desire to revitalize and make Downtown Greensboro a destination; Mr. Jones offered personal thoughts about revitalizing the downtown area.

Nathan Duggins, residing at 22 Country Club Drive, spoke in favor of the street closing and the proposed baseball stadium project.

Glenn Lesley, residing at 1114 Hummel Road and member of the Greensboro Sports Council, spoke to the need for affordable family entertainment in Greensboro; he stated he believed this stadium would provide entertainment comparable to the Little Four Tournament. He requested Council to close Lindsay Street.

Denny Kelley, residing at 4514 Grendel Road and a downtown business owner, stated he believed this project would rejuvenate the local economy; he stated he believed the private investment in a baseball stadium would encourage downtown development and would benefit Greensboro citizens.

Mark Bush, residing at 4503 Tower Road and President of the Greensboro Sports Council, stated the Sports Council had unanimously supported the new downtown baseball stadium proposal which they believed offered a unique opportunity and would enhance Center City development. He stated that the War Memorial Stadium was also a key asset. He stated that the Council supported the closing of Lindsay Street.

Ron Hawkins, residing at 6 Hillwind Court, spoke in support of the street closing; he stated Greensboro was fortunate to have Action Greensboro and its resources and vision for this project.

Mark Bishop, residing at 1210 Heathrow Drive and a member of Nathaniel Greene Kiwanis Club, stated that the majority of the Club supported the street closing and considered the baseball stadium to be a golden opportunity for Greensboro and Downtown Greensboro.

Steve Freyaldenhoven, residing at 3309 Madison Avenue, offered his thoughts about the need to provide a vibrant, active downtown to recruit young, talented professionals; he spoke in support of the street closing.

Dick Gray, residing at 6 St. Francis Court, spoke to investment in downtown and Action Greensboro's plans for Greensboro; he offered his support of the street closing.

Zack Matheny, residing at 1706 Colonial Avenue, spoke to his thoughts about attracting new residents; he spoke in support of the project and encouraged Council to close the street.

Doug VanSant, residing at 1007-C Hill Street, stated he was a young professional who supported the downtown stadium and the street closing.

Speaking in support of the downtown baseball stadium and the proposed street closing, Cary Lubus, residing at 2205 New Garden Road, member of Greensboro Merchants Association, stated he believed the downtown baseball stadium would stimulate the economic climate in the downtown area and increase jobs.

Tom Sloan, residing at 705 Sunset Drive, expressed appreciation to Action Greensboro for its vision and relationship to the entire community; he spoke in support of the baseball initiative and stated the street closing was important to the project.

(A copy of affidavits and other information presented by Downtown Greensboro Renaissance, LLC and additional information received is filed in Exhibit Drawer N, Exhibit Number 43, and is hereby referred to and made a part of these minutes.)

After an unidentified man questioned why an oath was not administered to the speakers, the Mayor advised an oath was not required because the proceedings were not quasi judicial.

The following citizens spoke in opposition to the closing of Lindsay Street and offered personal and/or professional comments with regard to the proposed baseball stadium and/or the street closing; their remarks included the following:

Bob Lauver, residing at 107 Cypress Street, stated he believed the street closing would be detrimental and contrary to public interest, disrupt traffic that connected neighborhoods and affect downtown traffic, undermine economic vitality, cause the demolition of the old Burlington Industries building, threaten neighborhoods, remove baseball from War Memorial Stadium, etc. Mr. Lauver asked the Council to vote against the street closing.

DeLonda Farmer, residing at 3112-A Yanceyville Street, stated she believed the street closing would be detrimental to public interest. She spoke to the public's daily use of the street, offered her opinions with regard to matters related to the expenditure of public tax dollars for this street closing, spoke to the manner in which the City planned to deal with future traffic from the area, questioned why this public property should be taken for private use, etc. She stated that, in her opinion, if the street were closed it was to oblige special interests.

Michael Stout, residing at 900 North Eugene Street in Fisher Park, stated he believed the street closing would be detrimental, affect citizens and the downtown area, have a negative impact on traffic in the area by creating a new traffic pattern, affect emergency vehicle response time, increase traffic into a residential area and be detrimental to Fisher Park and the public. Mr. Stout spoke to existing traffic problems on Eugene Street, stated he believed no adequate impact study had been conducted, offered personal thoughts about the Greensboro Transportation Department's traffic figures and the traffic volume Eugene Street could handle; he stated he believed this Department's study to be incomplete. Mr. Stout stated that he believed the street closing would not be considered if a baseball stadium had not been planned.

Mr. Westmoreland provided detailed information with respect to traffic on Eugene Street; i.e., capabilities with regard to vehicular traffic, traffic patterns, peak hour traffic vs. off peak hour traffic, etc.

David Hoggard, residing at 108 Cypress Street, stated he believed it was not in the public's best interest to close this street for a baseball stadium and that the street closing would have a negative impact on the economy. Stating that he had conducted a personal study, he offered detailed information he had

compiled with regard to his perception of the financial impact the street closing would have on Greensboro; i.e., impact on City taxpayers, impact on downtown spending, total impact of a stadium vs. mixed use development, etc.

Brief discussion was held with regard to the information personally compiled by Mr. Hoggard; i.e., the fact that the Council and Manager had not received this information prior to the meeting, questions with regard to the overall conduct of the study, etc. The City Manager reiterated that staff had remained neutral while preparing various studies/reports at the request of Council.

Ann Stringfield, residing at 1005 North Eugene Street in Fisher Park, stated that she believed the street closing would be detrimental to public interest; in her opinion, the closing would pose harm to area neighborhoods through increased light, noise, traffic, and parking encroachment; and that Fisher Park had stabilized the northern boundary of Greensboro. She spoke to the neighborhood's vision of the blending certain uses; i.e., residential, shops, etc. for the area; stated that 90% of Fisher Park residents were opposed to the proposed stadium; and spoke to problems that she believed could arise if the baseball stadium were owned by a non-profit group. Ms. Stringfield offered personal opinions about an appropriate location for the stadium and Council's attitude toward the street closing and the proposed stadium; she asked the Council to vote against the street closing.

Ben Andrews, residing at 400 Woodlawn Avenue in the Westerwood neighborhood, stated that he believed the street closing would be detrimental to public good and would drive people from downtown neighborhoods. priorities – develop people willing to live around urban center. market place those supported. He offered his personal thoughts that entertainment was needed to attract people to the downtown area and spoke in support of an earlier plan for housing, shops, etc. on Bellemeade Street. He spoke in opposition to the proposed baseball stadium in the center of the earlier plan's proposed housing area and requested Council not to close Lindsay Street.

Rick Hollowell, residing at 1617 South College Park Drive, stated that he did not believe the proposed street closing was in the public interest. Speaking to the location of the church on West Market Street, he emphasized that the church parking lot would be used at all times for church activities and would not be available for baseball patrons. He also stated that the closing of Lindsay would impact traffic on Market Street and stated that he believed the lights, noise and parking for a baseball stadium would negatively impact the church; Mr. Hollowell also stated that, in his opinion, the proposed location was not an appropriate site for a baseball stadium.

Sally Cone, residing at 606 Waycross Drive, stated she believed the street closing would be detrimental to the public. She expressed concern that the historically significant Old Burlington Industries building would be torn down, stated she believed housing was the key to downtown revitalization, and noted that interested citizens could plan a strategy for downtown development. Stating this was not the only site for a baseball stadium, Ms. Cone spoke to the existence of the renovation plan for the War Memorial Stadium stated that this was not the only site for a baseball stadium and stated another option was the South Elm/Lee Streets site as originally planned. She requested the Council to deny the street closing.

Ed Cone, residing at 3504 Waldron Drive, spoke of his high opinion of Action Greensboro and stated that, in his opinion, the South Elm Street site was an appropriate location for the baseball stadium; he spoke to the need for a private project to address the brownfield areas on Elm Street.

Because a large number of speakers who had not spoken were present in the Chamber, Councilmember Jessup offered a motion that all these individuals be allowed to speak. After brief discussion, the Mayor advised this issue had been voted on by Council two times at this meeting; Councilmember Johnson reiterated that she had made this same motion earlier in the meeting and it had been defeated.

Marty Kotis, residing at 1500 Mill Street, Suite 105, reviewed results of a citizens' questionnaire with regard to the War Memorial Stadium renovation, Council, etc.

The following individual spoke in favor of the street closing during the rebuttal period:

Richard "Skip" Moore, residing at 104 Forestdale with offices at 324 West Wendover Avenue, stated that the baseball stadium was considered a part of a larger context that included other offerings in the downtown area; i.e., the Civil Rights Museum, etc. He stated the residential development conceptual plan offered by Landmark had no provision for project financing, a new Guilford County building, the War Memorial Stadium, etc. Mr. Moore spoke to the economic impact of baseball stadiums in other cities and to success of private development investment in conjunction with stadiums. He address the minimal impact this stadium's lights would have on area neighborhoods, spoke to meetings with neighborhood residents and stated that, in his opinion, it was time to move forward with the street closing and baseball stadium.

The following individuals spoke in opposition to the street closing during the rebuttal period:

Bill Burckley, residing at 701 Morehead Avenue, advised of the ongoing petition process related to this street closing and the proposed baseball stadium, spoke to future citizens' efforts to stop the street closing through the court system, offered his perception that that certain actions had been in violation of the North Carolina General Statutes, and requested Council to deny the street closing.

T. K. Miller, residing at 104 Cypress Street, stated that the street closing was not in the public's best interest, he believed economic success should reflect the vision of the citizens of Greensboro and elected officials were sworn to represent the entire community. He requested Council to deny the street closing.

Mr. Fortis offered personal opinions with regard to Council's relationship with the citizens they represented; he requested Council to support the people and deny the street closing.

Genny Hunt, residing at 718 Percy Street, stated he was a young professional who worked in the downtown area; he requested Council to deny the street closing.

Cindy Hammer, residing at 2709 Asbury Terrace, offered personal thoughts with regard to the impact the street closing would have on revitalizing downtown; she stated she believed the majority of citizens were opposed to the Lindsay Street closing.

Steve Ruzicka, residing at 517 5th Avenue, spoke in opposition to the street closing, stated the street closing would not be in the public's interest and noted people were interested in the War Memorial Stadium.

Councilmember Phillips moved that the public hearing be closed. The motion was seconded by Councilmember Phillips; the Mayor announced the motion was adopted by a 5-4 voice vote of Council.

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The Mayor declared a recess at 12:12 a.m.

The meeting reconvened at 12:25 a.m. with all members of Council present.

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At the Mayor's request, the City Attorney explained that the Planning Board had recommended the street closing with the deletion of a small portion. Councilmember Phillips thereupon moved to delete part of the alleyway—with the ending language on the western one being revised to read "running northward to its

intersection with the southeast corner of the lot depicted as Guilford County Tax Map numbered TM-21-3-5. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Mr. Melvin responded to Council's questions about the rationale for not locating the baseball stadium on South Elm Street because of cost involved; i.e., site preparation, purchase of land (purportedly involving 22 individual property owners), cleanup of the South Elm Street due to environmental problems, and a parking lot to accompany the stadium. He stated that the location of the stadium at this site did not make economic sense and there were no other options on which to site the baseball stadium. In response to Council's inquiry, he stated that to renegotiate the location of this facility on the South Elm Street site would result in a significant increase in the projected cost.

Council discussed various opinions and concerns with regard to the many issues related to the proposed street closing and the location of a baseball stadium at this location, including each Council member's personal thoughts with regard to their support or opposition.

Council discussion was held with respect to actions that would be taken by Guilford County with regard to a new social services building if the street closing were defeated by City Council; the way mentally ill citizens would access the new social services facility; the cost and manner in which the environmental cleanup of the property on South Elm Street could be addressed by Council; other sites that were considered for the location of the proposed baseball facility; and future plans for the renovation of War Memorial Stadium for use by colleges and amateur baseball teams. Additional discussion was held with regard to traffic concerns; i.e., change in traffic pattern, control of traffic through Fisher Park and parking issues.

Some members of Council shared opinions that they believed that citizens would not be negatively impacted by the street closing and the proposed baseball stadium; this project could be a catalyst for much-needed, significant economic development in the downtown area; Action Greensboro had presented an excellent proposal; this was the last viable site for baseball in the downtown area; and traffic concerns had been addressed

Some members of Council explained their rationale for not supporting a downtown baseball stadium on this site; provided examples of the impact entertainment facilities had on other areas of the city; expressed concerns with regard to traffic concerns; i.e., change in traffic pattern, control of traffic through Fisher Park, parking for stadium patrons; stated they believed that the South Elm site was the most appropriate and inquired as to the feasibility of revisiting that site; and expressed the desire to represent the position of citizens in their respective Council districts.

The Mayor reiterated that Council was being asked to consider a street closing request from the property owner, Guilford County; he noted that Action Greensboro had funding for this proposed development, Guilford County had moved forward with the project, and the City Council was being asked to close the street.

After lengthy discussion, Councilmember Phillips moved to call the question; the motion was seconded by Councilmember Gatten, no vote was taken.

Councilmember Phillips thereupon moved item #24, as amended, with the added statement that the closing of the described portion of West Lindsay Street and the described portions of the alleyways is not contrary to the public interest and that no individual owning property in the vicinity of the street or alleyways will thereby be deprived of reasonable means of ingress and egress to their property. The motion was seconded by Councilmember Vaughan; the order to close the street was adopted on the following roll call vote: Ayes: Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: Burroughs-White, Carmany and Jessup.

194-02 ORDER CLOSING WEST LINDSAY STREET BETWEEN NORTH EDGEWORTH STREET AND NORTH EUGENE STREET AND CLOSING PORTIONS OF TWO ALLEYS IN THE BLOCK BOUNDED ON THE NORTH BY WEST SMITH STREET, ON THE WEST BY NORTH EDGEWORTH STREET, ON THE SOUTH BY WEST LINDSAY STREET AND ON THE EAST BY NORTH EUGENE STREET

WHEREAS, the Guilford County Commissioners, on the behalf of Guilford County, have requested the closing of West Lindsay Street between North Edgeworth Street and North Eugene Street for the purpose of expediting the sale of certain portions of their abutting and nearby property for the private development of a professional baseball stadium, all pursuant to an Exchange Agreement, for reciprocal public and private projects, between the County and Downtown Greensboro Renaissance, LLC (sometimes referred to as "Action Greensboro");

WHEREAS, to further expedite the execution and carrying out the purposes of the described Exchange Agreement it is also necessary that the City relinquish any interest it has in the portions of two alleys in the block bounded on the north by West Smith Street, on its west by North Edgeworth Street, on its south by West Lindsay Street and on its east by North Eugene Street; said portions being more specifically described as a part of that 12 foot wide alleyway, in the described block beginning approximately 190 feet east of the northeast corner of the intersection of West Lindsay Street and North Edgeworth Street, and running northward to its intersection with the southeast corner of the lot depicted on the Guilford County Tax Map numbered TM 21-3-5 (at the request of the applicant, and as recommended by the Greensboro Planning Board, a shorter portion of this alleyway is being closed); and that portion of a 20 foot wide alleyway running northward from West Lindsay Street abutting the east line of that property shown as Guilford County Tax Map TM 21-3-8 to the point of its intersection with the northeast corner of said lot and its intersection with a point 20 feet north from the northwest corner of lot TM 21-3-19 in the western line of Tax Map lot 21-3-18;

WHEREAS, on September 17, 2002, a Resolution was adopted by this Council declaring its Intent to close the described street and portions of alleys; a copy of said Resolution was sent certified mail to all owners of property adjoining the street and alleys as shown on the Guilford County tax records, and a notice of the public hearing was prominently posted in at least two places along the portions of the street and alleys on the 1st day of October, 2002, and have remained so posted until the date of this hearing;

WHEREAS, the North Carolina Department of Transportation has no interest in the described portion of Lindsay Street;

WHEREAS, a notice was duly published in a qualified newspaper that a public hearing, pursuant to N.C.G.S. § 160A-299, would be held by the City Council in the Council Chamber in the Municipal Office Building on Monday, November 4, 2002, at 6:00 p.m., on the closing of the portion of West Lindsay Street and the portions of the described alleyways;

WHEREAS, the Greensboro Planning Board has recommended in favor of the described closings;

WHEREAS, other portions of downtown public streets have previously been closed by Council for important public and private projects;

WHEREAS, these closings shall be subject to the conditions that a City of Greensboro building permit, shall be duly issued for the construction on the tract adjacent to said portion of West Lindsay Street for the purpose of constructing a professional baseball stadium according to an approved site plan, and the beginning of construction thereon; and that easements for each public utility and those of private utilities having agreements or franchises with the City shall be reserved;

WHEREAS, the public hearing has, this date, been held and it appears to the satisfaction of Council that the closings of the described portion of West Lindsay Street, and the described portions of the alleyways,

are not contrary to the public interest and that no individual owning property in the vicinity of the street or alleyways will thereby be deprived of reasonable means of ingress and egress to their property; and further that the procedural requirements of N.C.G.S. §160A-299 have been followed;

NOW, THEREFORE, pursuant to N.C.G.S. §160A-299, it is hereby Ordered by the City Council of the City of Greensboro that:

1. The portion of West Lindsay Street from North Edgeworth Street to North Eugene Street is closed;
2. That a portion of the 12 foot wide alleyway, in the block between North Eugene Street and North Edgeworth Street; the portion of said alley beginning approximately 190 feet east of the northeast corner of the intersection of West Lindsay Street and North Edgeworth Street, and running from West Lindsay Street northward toward West Smith Street and to its intersection with the southeast corner of the lot depicted as Guilford County Tax Map numbered TM 21-3-5 is hereby closed;
3. That the 20 foot wide alley running northward from Lindsay Street abutting the east line of Tax Map 21-3-8 to the point of its intersection with the northeast corner of said lot and its intersection with a point 20 feet north from the northwest corner of lot TM lot 21-3-19 in the western line of Tax Map Lot 21-3-18 is hereby closed;
4. The City further reserves its right, title and interest in the closed street and alleys, to any public utility improvements, and those of franchised utilities, or held by utility agreements with private utilities, if any; by reserving a 20 foot wide utility easement centered over each water and sewer line, and a 15 foot wide utility easement centered over all other utility lines.
5. These closings shall be effective, and conditioned, upon the issuance of a City of Greensboro building permit, duly issued for the construction, on the tract lying north of West Bellemeade Street, west of North Eugene Street, east of North Edgeworth Street, and south of West Smith Street, for a professional baseball stadium according to an approved site plan; and upon the beginning of such construction.

(Signed) Thomas M. Phillips

(A copy of information related to the above street closing is filed in Exhibit Drawer N, Exhibit Number 43, which is hereby referred to and made a part of these minutes. This includes affidavits submitted by Downtown Greensboro Renaissance, LLC, the Proposed Closing of Lindsay Street Traffic/Parking Analysis presented by Mr. Westmoreland, preliminary design information – Greensboro Ballpark presented by Mr. Mayer and “Impacts on Downtown Development Contributed to New Minor League Baseball Stadiums” survey prepared by Downtown Greensboro, Inc.)

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution amending the 2001-02 Community Development Block Grant Program to change use of funds for Project Homestead Job Training Activity. The Mayor asked if anyone wished to be heard.

Andy Scott, Director of Housing and Community Development, stated he was present in the Chamber to answer any questions related to the three housing items being considered by Council at this meeting.

There being no one present desiring to speak to this matter, Councilmember Vaughan moved to close the public hearing. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council. Councilmember Vaughan moved adoption of the resolution. The

motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

181-02 RESOLUTION AMENDING THE 2001-02 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO CHANGE USE OF FUNDS FOR PROJECT HOMESTEAD JOB TRAINING ACTIVITY

WHEREAS, Project Homestead requested a \$20,000.00 grant to be used to convert space in their South Elm Street training facility which City Council approved as part of the 2001-02 CDBG Program;

WHEREAS, due to Federal regulations regarding construction work using CDBG funds, they were unable to use the allocated fund for the conversion work and are now requesting permission to change the use of the \$20,000 grant allocation;

WHEREAS, Project Homestead has submitted a request to use these funds to assist in the purchase of the Sabastian House located at 1402 E. Washington Street, that will be used as general office space for Project Homestead as well as common space for L. Richardson Hospital and Richardson Village which is adjacent to this property;

WHEREAS, the Community Resource Board voted in favor of this amendment at its June 20, 2002 meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the 2001-02 Community Development Block Grant Program is hereby amended to reflect the use of \$20,000.00 in funds previously allocated for renovation to Project Homestead's South Elm Street training facility to be used towards the purchase of the Sabastian House located at 1402 E. Washington Street.

(Signed) Donald R. Vaughan

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution approving award in the amount of \$27,500 in Community Development Block Grant funds to the Christian Counseling and Wellness Group for use in the renovation of 1211 and 1215 South Eugene Street. The Mayor asked if anyone wished to be heard.

After brief comments by the Mayor and there being no one present desiring to speak to this matter, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

182-02 RESOLUTION ALLOCATING FUNDS TO THE CHRISTIAN COUNSELING AND WELLNESS GROUP FOR RENOVATION OF 1211 AND 1215 SOUTH EUGENE STREET AT ST. JAMES HOMES II APARTMENTS

WHEREAS, under Title 1 of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, the Secretary of the Department of Housing and Urban Development is authorized to make Community Development Block Grants for the conduct of Community Development Programs; and

WHEREAS, the City of Greensboro submitted an application to the Department of Housing and Urban Development for Community Development Block Grant funding for FY 2001-02 which included \$27,500 of unallocated funds;

WHEREAS, the Community Resource Board has recommended the allocation of \$27,500 of unallocated FY 2001-02 Community Development Block Grant funds to Christian Counseling and Wellness Group (CCWG) for renovations to St. James Homes II; and

WHEREAS, CCWG has secured additional funding commitments in excess of \$900,000 to complete the renovation of St. James Homes II, provide supportive services to residents, and improve neighborhood security; and

WHEREAS, it is desirable and in the public interest for the City of Greensboro to allocate these funds to CCWG; and

WHEREAS, it is understood that acceptance of these Community Development Block Grant funds obligates CCWG to conduct and administer this project in accordance with the requirements of Title 1 of the Housing and Community Development Act of 1974, as amended, applicable Federal and State laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO;

1. That the FY 2001-2002 Housing and Community Development Plan is hereby amended to add an activity for the renovation of St. James Homes II utilizing \$27,500 of unallocated funds.
2. That the CMO is authorized to enter into a Grant Agreement with CCWG calling for the City to provide \$27,500 of Community Development Block Grant funds for the renovation of St. James Homes II.
3. That this Agreement will only be executed by the City once CCWG provides suitable evidence of sufficient funds to undertake the project.
4. That CCWG, in accepting and using Community Development Block Grant funds from the City of Greensboro, certifies that it will conduct this project in compliance with all applicable Federal, State and local laws and regulations.

(Signed) Claudette Burroughs-White

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution approving amendment to Greensboro's 2000-01 HOME Consortium Action Plan. Mayor Holliday asked if anyone wished to speak to this matter.

There being no one present desiring to speak, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

183-02 RESOLUTION APPROVING AMENDMENT TO GREENSBORO'S 2000-01 HOME CONSORTIUM ACTION PLAN

WHEREAS, each year the Greensboro/Guilford/High Point/Burlington/Alamance Housing Consortium receives an allocation of HOME Federal Funds to increase home ownership and affordable housing opportunities for low-income citizens;

WHEREAS, the City of High Point was unable to use its 2000-01 reserves in the amount of \$63,650.00 in a timely manner, which resulted in these funds reverting back to the HOME Consortium;

WHEREAS, after inviting all eligible CHDO's to submit proposals for the use of these funds, the City of Greensboro received proposals by SHARE of North Carolina and Project Homestead;

WHEREAS, at its September 19th meeting, the Community Resource Board (CRB) recommended the funds be divided between the two organizations to provided homebuyers determined eligible under the City's Deferred Non-Profit Second Mortgage Program allowing funding to at least seven, second mortgages.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the City Council of the City of Greensboro hereby approves the HOME Community Housing Development Organization Project be divided between Project Homestead and SHARE to provide homebuyers determined eligible under the City's Deferred Non-Profit Second Mortgage Program.

(Signed) Claudette Burroughs-White

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Moving to the Consent Agenda, Councilmember Carmany moved adoption of all ordinances, resolutions and motions listed on the consent agenda. The motion was seconded by Councilmember Vaughan; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

184-02 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF SIDNEY JEFFERS, HEIRS, IN CONNECTION WITH THE ALOE ROAD IMPROVEMENTS PROJECT

WHEREAS, Sidney Jeffers, Heirs are the owners of certain property located on Aloe Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Aloe Road Improvements Project;

WHEREAS, negotiations with the owners at the appraised value of \$3,034.15 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$3,034.15;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of

Finance is hereby authorized to issue a draft in the amount of \$3,034.15 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 402-6001-01.6012 CBR 001.

(Signed) Sandy Carmany

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185-02 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO
CONDEMN PORTION OF THE PROPERTY OF MARY SUE OLCOTT AND MAGGIE ANN
CANNON IN CONNECTION WITH THE HILLTOP ROAD WIDENING PROJECT

WHEREAS, Mary Sue Olcott and Maggie Ann Cannon are the owners of certain property located on Hilltop Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Hilltop Road Widening Project;

WHEREAS, negotiations with the owners at the appraised value of \$46,326.92 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$46,326.92;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$46,326.92 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 431-6002-49.6012 CBR 083.

(Signed) Sandy Carmany

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186-02 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO
CONDEMN PORTION OF THE PROPERTY OF JOHNATHAN G. HOLDEN, IN
CONNECTION WITH THE HILLTOP ROAD WIDENING PROJECT

WHEREAS, Jonathan G. Holden is the owner of certain property located on Hilltop Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Hilltop Road Widening Project;

WHEREAS, negotiations with the owner at the appraised value of \$2,714.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance

be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner in the amount of \$2,714.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$2,714.00 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 11-684-A-867-27.

(Signed) Sandy Carmany

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187-02 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF W.S. SIMMONS, JR., AND WIFE, BARBARA R. SIMMONS, IN CONNECTION WITH THE HILLTOP ROAD WIDENING PROJECT

WHEREAS, W.S. Simmons, Jr., and wife, Barbara R. Simmons are the owners of certain property located on Stanley Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Hilltop Road Widening Project;

WHEREAS, negotiations with the owners at the appraised value of \$4,299.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$4,299.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$4,299.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 11-684-867-12.

(Signed) Sandy Carmany

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02-220 ORDINANCE AMENDING THE FY 02-03 STATE, FEDERAL AND OTHER GRANTS PROJECT BUDGET FOR THE GOVERNOR'S CRIME COMMISSION GRANT – VIOLENT CRIMES TASK FORCE

BE IT ORDAINED BY THE CITY COUNCIL OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3554-01.5520	Seminar/Training Expenses	\$ 1,000
220-3554-01.5429	Other Contracted Services	72,478
220-3554-01.5214	Office Equipment & Furniture	<u>1,750</u>
Total		\$75,228

And that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3554-01.7110	State Grant	\$ 56,421
220-3554-01.7104	Federal Forfeiture Funds	<u>18,807</u>
Total		\$75,228

(Signed) Sandy Carmany

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02-221 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET
FOR THE METROPOLITAN MEDICAL RESPONSE SYSTEM (MMRS) GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Federal, State, and Other Grants Fund Budget of the City of Greensboro is hereby amended as
follow:

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4055-01.5239	Miscellaneous	<u>\$556.85</u>
Total		\$556.85

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund Budget
accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4055-01.7110	State Grant	<u>\$556.85</u>
Total		\$556.85

(Signed) Sandy Carmany

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188-02 RESOLUTION ADJUSTING THE FY 02-03 GENERAL FUND BUDGET FOR ONTRIBUTION
TO THE GREENSBORO JAYCEES 2002 HOLIDAY PARADE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 02-03 Annual Budget of the City of Greensboro is hereby adjusted as follows:

That the appropriation for the General Fund be adjusted as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9520-24.5931	Contrib. to Non-Gov't Agencies	\$20,000

and, that this adjustment be financed by adjusting the following General Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-9545-23.5931	Contrib. to Non-Gov't Agencies	\$20,000

(Signed) Sandy Carmany

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189-02 RESOLUTION APPROVING ADDITIONAL FUNDING TO GREENSBORO HOUSING DEVELOPMENT PARTNERSHIP FOR COMPLETION OF 420 McCULLOCH STREET

WHEREAS, in December, 2001 the City Council approved funding to Greensboro Housing Development Partnership for the completion of the exterior stabilization work of 420 McCulloch Street;

WHEREAS, the exterior stabilization work is now complete and GHDP intended to sell the property in as-is condition, however, marketing an incomplete house is difficult and GHDP has decided to complete the house rather than sell it at this time;

WHEREAS, functional improvements such as electricity, plumbing, heat/air, fixtures and appliances, as well as an addition, will upgrade the house to a 3 bedroom, 2.5 bath model, which is generally considered the minimum for a marketable house and the sale price for this house will be \$142,500.00;

WHEREAS, the Greensboro Housing Development Partnership has requested the Council approve a loan in the amount of \$22,500.00 and a grant of \$32,564.00 for the construction of the addition and completion of the house at 420 McCulloch Street in the Ole Asheboro neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the loan in the amount of \$22,500.00 and grant in the amount of \$32,564.00 to Greensboro Housing Development Partnership for the completion of 420 McCulloch Street are hereby approved, said funds to be paid from the Community Development Block Grant.

(Signed) Sandy Carmany

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190-02 RESOLUTION ACCEPTING THE FORMER WASHINGTON PROJECT II PROPERTY BY NON-WARRANTY DEED FROM THE REDEVELOPMENT COMMISSION OF GREENSBORO

WHEREAS, in the process of realigning sanitary and storm sewer lines, it has been determined that a new easement must be created over property near Perkins Street;

WHEREAS, the property needed for said easement is a remnant of an old redevelopment project known as Washington Project II and is owned by the Redevelopment Commission of Greensboro;

WHEREAS, at its October 15, 2002 meeting, the Redevelopment Commission voted to dispose of the property via non-warranty deed to the City of Greensboro for the creation of the new easement;

WHEREAS, the property is known as Block "J", Lot 6, - Open Space as shown on Redevelopment Commission of Greensboro plat entitled, "Washington Project II" and recorded in Plat Book 58, Page 110.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the disposition via Non-Warranty Deed by the Redevelopment Commission of Greensboro and the acceptance of the Non-Warranty Deed to the City of Greensboro for property known as Block "J", Lot 6, - Open Space as shown on Redevelopment Commission of Greensboro plat entitled, "Washington Project II, for realignment of sanitary and sewer storm lines near Perkins Street is hereby approved.

(Signed) Sandy Carmany

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191-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-57 WITH BROOKS GENERAL CONTRACTORS FOR THE POLICE DISTRICT #3 – 300 SWING ROAD PROJECT

WHEREAS, after due notice, bids have been received for site work and interior renovations for the Police District Building #3 – 300 Swing Road project;

WHEREAS, Brooks General Contractors, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,361,000.00 as general contractor for Contract No. 2002-57, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Brooks General Contractors is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 446-3502-01.6013 CBR 002.

(Signed) Sandy Carmany

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Motion to approve report of budget adjustments covering period September 1-30, 2002 was unanimously adopted. (A copy of the report is filed in Exhibit Drawer N, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of regular meetings of October 1 and October 15, 2002 was unanimously adopted.

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Mayor Holliday introduced an ordinance amending Chapter 30, Section 30-4-4.3 and the Official Zoning Map establishing the Scenic Corridor Overlay District – 1 (SCOD-1) and the Scenic Corridor Overlay District – 2 (SCOD-2) for the Greensboro Urban Loop. The Mayor advised this was the second reading for this ordinance and that this matter had received five affirmative votes at the 1 October 2002 meeting; he also stated that the public hearing had been closed.

Councilmember Jessup moved that the ordinance (on the floor for second reading) regarding outdoor advertising signs on the Greensboro Urban Loop adopted 10-1-02 be amended as follows: that the language in paragraph one which reads “not to exceed two (2) signs per two thousand six hundred forty (2,640) foot quadrant of interchange” be deleted and the following language be substituted in its place “not to exceed one (1) sign per two thousand six hundred forth (2,640) foot quadrant of interchange”. The motion was seconded by Councilmember Burroughs-White.

Councilmember Phillips thereupon offered a substitute motion to amend the ordinance on the floor to remove the amendment made at the previous meeting, specifically items E4F and F5F related to billboards to remove that from the ordinance. The motion was seconded by Councilmember Gatten.

After brief discussion, the City Attorney ruled that Councilmember Phillips’ motion was also an amendment, not a substitute motion; she advised that Council should vote on Councilmember Jessup’s amendment first.

After brief discussion with regard to the two motions for amendments on the floor for Council’s consideration, Councilmember Jessup’s motion to amend the ordinance was thereupon **DEFEATED** on the following roll call vote: Ayes: Burroughs-White, Holliday and Jessup. Noes: Carmany, Gatten, Johnson, Perkins, Phillips and Vaughan.

Councilmember Phillips motion to amend the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Johnson, Perkins, Phillips, and Vaughan. Noes: Holliday and Jessup. The Mayor stated the motion had passed to eliminate billboards.

After brief discussion, Councilmember Phillips moved adoption of the ordinance as originally presented and amended to include written recommendations by staff. The motion was seconded by Councilmember Carmany and adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Johnson, Perkins, Phillips and Vaughan. Noes: Holliday and Jessup.

02-222 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-4-4.3, Scenic Corridor Overlay Districts, is hereby amended by adding subsections (E) and (F) to read as follows:

- “(E) *Scenic Corridor Overlay District-1 (SCOD-1) Established:* The Scenic Corridor Overlay District-1 (SCOD-1) is hereby established as a scenic corridor overlay district. In case of conflict with the regulations of the underlying zoning district, the more restrictive requirement shall govern.

- (1) Applicability: All land located within one thousand (1,000) feet on either side of the centerline of an existing or proposed controlled access highway is included within the overlay zone. Any area annexed into the City that is located within one thousand (1,000) feet on either side of the centerline of an existing or proposed controlled access highway shall be included effective upon annexation. The following controlled access highways or portions thereof have been established as a SCOD-1:

(a) Greensboro Urban Loop:

- (i) From one thousand (1000) feet east of the centerline of North Elm Street and the Urban Loop eastward to one thousand five hundred (1500) feet east of the centerline of U.S. 220 and the Urban Loop (except at interchanges as described in SCOD-2); and
- (ii) From one thousand five hundred (1500) feet north of the centerline of Bryan Boulevard and the Urban Loop eastward to one thousand (1000) feet west of the centerline of Battleground Avenue and the Urban Loop.

- (2) Permitted Uses: Subject to the provisions of this overlay zone, all uses permitted in the underlying zoning districts are allowed except those listed below, which are prohibited if visible from the highway:

- (a) Flea markets, outdoor;
- (b) Land clearing and inert debris landfills, major;
- (c) Outdoor retail sales;
- (d) Outdoor storage;
- (e) Salvage yards, auto parts; and
- (f) Salvage yards, scrap processing.

(3) Buffer Requirements:

- (a) A natural undisturbed buffer, a minimum forty (40) feet wide and a maximum seventy-five (75) feet wide, with an average width of fifty (50) feet, shall be maintained along the portion of any lot adjacent to the highway right-of-way. If there are no existing canopy or understory trees in the buffer area, then the following planting rates shall apply. If existing canopy or understory trees in the buffer area do not satisfactorily provide screening that would be similar to that achieved by the planting rates, then supplemental canopy or understory trees shall be required, as determined by the City Urban Forester or Enforcement Officer. The following planting rates per one hundred (100) linear feet shall be used:
 - (i) Nine (9) canopy trees; and
 - (ii) Twelve (12) understory trees.

- (b) A secondary natural undisturbed buffer meeting the following standards shall be maintained for a distance of two hundred (200) feet along any street right-of-way intersecting the highway right-of-way (See Appendix 5: Illustrations):
 - (i) The two hundred (200) foot distance requirement shall be measured from the intersection of the rights-of-way, however, the secondary buffer width and planting rate shall begin at the termination of the buffer along the highway.
 - (ii) The width of the secondary buffer shall proportionately decrease from fifty (50) feet at its inception to eight (8) feet at its termination, with the following planting rates:
 - (aa) One (1) canopy tree per five hundred fifty-five (555) square feet of buffer area; and
 - (bb) One (1) understory tree per four hundred twenty (420) square feet of buffer area.
 - (iii) The required street planting yard meeting the width and planting rates of Table 30-5-4-2 shall be provided along the street right-of-way intersecting the highway. The width and plantings of the street yard count toward achieving the overlay buffer requirements.
- (c) If a minimum five (5) foot high earthen berm is installed in locations where a natural buffer does not exist, the minimum, maximum, and average width of the buffer may be reduced by ten (10) feet. The earthen berm shall contain a rounded crown suitable for planting and a stabilized side slope of no greater than three-to-one (3:1). The following planting rates per one hundred (100) linear feet shall be used:
 - (i) Seven (7) canopy trees; and
 - (ii) Ten (10) understory trees.
- (d) Trees shall be planted a minimum of ten (10) feet, but no more than fifty (50) feet, from other trees.
- (e) Trees located within the required buffer area may be used to meet tree preservation requirements of Section 30-5-4.
- (f) No development, including improvements, buildings, structures, parking areas or open-air uses are allowed within the buffer. In approving a site plan or subdivision plat, however, streets or easements may be permitted to cross the buffer when necessary for access or provision for utilities.
- (g) To allow an existing or new development to preserve the required natural undisturbed buffer area, the number of required off-street parking spaces shall be reduced by the City Urban Forester or Enforcement Officer by up to ten (10) percent if requested by the applicant.

- (h) No development shall be required to have the buffer area exceed twenty (20) percent of the total site. If it is necessary to reduce the buffer area, the secondary buffer area along any street right-of-way intersecting the highway shall be reduced first.
 - (i) Where unreasonable or impractical situations result from application of buffer or planting requirements, alternate methods of compliance may be used as described in Section 30-5-4.9.
- (4) Signage: Signage shall be in accordance with the following requirements. In case of conflict with the signage provisions of the underlying zoning districts, the stricter standard shall apply.

- (a) In addition to signage prohibited by Section 30-5-5.2, the following signs shall be prohibited:
 - (i) Outdoor advertising signs;
 - (ii) Ground surface signs; and
 - (iii) Neon signs, but not including those attached to a window.
- (b) Freestanding signage shall be limited to one (1) monument type sign per frontage as specified below:

<i>Development Size</i>	<i>Maximum Height</i>	<i>Maximum Size</i>
< 25,000 sq. ft.	6 ft.	50 sq. ft.
25,000 – 49,999 sq. ft.	10 ft.	90 sq. ft.
50,000 – 100,000 sq. ft.	15 ft.	140 sq. ft.
ⁿ > 100,000 sq. ft.	20 ft.	200 sq. ft.

- SC zoning or in Integrated Multiple Use Developments, freestanding signage for each outparcel shall be limited to one monument sign meeting the size and height requirements of Table 30-5-5-2.
- (d) In nonresidential districts, illumination of all signage shall be limited to cut-out letter and indirect lighting, except for wall signage in commercial districts. In commercial districts, back lit wall signage shall be permitted; however, signs with panels over fluorescent lighting shall be opaqued.
 - (e) Freestanding signage is not permitted in protective buffer area(s) except at access points.

(5)

Access Management:

- (a) Major or minor thoroughfares that intersect the highway shall have a minimum of five hundred (500) feet of corner clearance when determined to be practical by NCDOT or GDOT; and
- (b) Local, collector or sub-collector streets that intersect the highway shall have a minimum of two hundred (200) feet of corner clearance when determined to be practical by NCDOT or GDOT.

- (6) Expansions: Once the impervious surface area of the property is increased by twenty-five (25) percent of the area existing at the time of the overlay adoption, street protective yards shall be required containing fifty (50) percent of the required width and fifty (50) percent of all required plantings.

(7) Additional Requirements:

- (a) Structures shall not exceed eighty (80) feet in height within five hundred (500) feet of the highway right-of-way, as measured from the base of the building at the finished grade or from the adjacent highway grade, whichever is higher, to the top of the highest component of the building.
- (b) Loading areas, docks, and doors shall be screened as much as reasonably possible from ground level view from the highway.
- (c) Building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided. This Subsection shall not apply to residentially zoned property.
 - (i) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with Subsection (E)(7)(c) above shall be achieved and approved by the TRC prior to installation.
- (d) All outdoor lighting shall include diffusers or minimal wattage bulbs that minimize glare to adjoining roadways and properties. This Subsection shall not apply to residentially zoned property.
- (e) All new on-site utilities shall be located underground unless required by the utility to be otherwise.

- (F) *Scenic Corridor Overlay District-2 (SCOD-2) Established:* The Scenic Corridor Overlay District-2 (SCOD-2) is hereby established as a scenic corridor overlay district. In case of conflict with the regulations of the underlying zoning district, the more restrictive requirement shall govern.

- (1) Applicability: All land located within one thousand (1,000) feet on either side of the centerline of an existing or proposed controlled access highway is included within the overlay zone. Any area annexed into the City that is located within one thousand (1,000) feet on either side of the centerline of an existing or proposed controlled access highway shall be included effective upon annexation. The following controlled access highways or portions thereof have been established as a SCOD-2:

(a) Greensboro Urban Loop:

- (i) From one thousand five hundred (1500) feet east of the centerline of U.S. 220 and the Urban Loop westward to one thousand five hundred (1500) feet north of the centerline of Bryan Boulevard and the Urban Loop;

- (ii) From one thousand (1000) feet west of the centerline of Battleground Avenue and the Urban Loop eastward to one thousand (1000) feet east of the centerline of North Elm Street and the Urban Loop;
- (iii) From one thousand (1000) feet west of the centerline of Yanceyville Street and the Urban Loop to one thousand (1000) feet east of the centerline of Yanceyville Street and the Urban Loop;
- (iv) From one thousand five hundred (1500) feet northwest of the centerline of U.S. 29 and the Urban Loop to one thousand five hundred (1500) feet southeast of the centerline of U.S. 29 and the Urban Loop;
- (v) From one thousand (1000) feet north of the centerline of Huffine Mill Road and the Urban Loop to one thousand (1000) feet south of the centerline of Huffine Mill Road and the Urban Loop;
- (vi) From one thousand (1000) feet north of the centerline of Wendover Avenue and the Urban Loop to one thousand (1000) feet south of the centerline of Wendover Avenue and the Urban Loop;
- (vii) From one thousand five hundred (1500) feet north of the centerline of I-85/40 and the Urban Loop to one thousand five hundred (1500) feet south of the centerline of I-85/40 and the Urban Loop;
- (viii) From one thousand (1000) feet east of the centerline of Youngs Mill Road and the Urban Loop to one thousand (1000) feet west of the centerline of Youngs Mill Road and the Urban Loop;
- (ix) From one thousand (1000) feet northeast of the centerline of Alamance Church Road and the Urban Loop to one thousand (1000) feet southwest of the centerline of Alamance Church Road and the Urban Loop;
- (x) From one thousand five hundred (1500) feet east of the centerline of U.S. 421 and the Urban Loop to one thousand five hundred (1500) feet west of the centerline of U.S. 421 and the Urban Loop;
- (xi) From one thousand (1000) feet east of the centerline of South Elm-Eugene Street and the Urban Loop to one thousand (1000) feet west of the centerline of South Elm-Eugene Street and the Urban Loop;

(2) Permitted Uses: Subject to the provisions of this overlay zone, all uses permitted in the underlying zoning districts are allowed except those listed below, which are prohibited if visible from the highway:

- (a) Flea markets, outdoor;
- (b) Land clearing and inert debris landfills, major;
- (c) Outdoor retail sales;
- (d) Outdoor storage;
- (e) Salvage yards, auto parts; and
- (f) Salvage yards, scrap processing.

(3) Buffer Requirements: The following buffer requirements shall be maintained along the portion of any lot adjacent to the highway right-of-way, unless the standards described in Subsection (F)(4) below are achieved and approved by the TRC.

- (a) A natural undisturbed buffer, a minimum twenty-five (25) feet wide and a maximum fifty (50) feet wide, with an average width of thirty (30) feet, shall be maintained along the portion of any lot adjacent to the highway right-of-way. If there are no existing canopy or understory trees in the buffer area, then the following planting rates shall apply. If existing canopy or understory trees in the buffer area do not satisfactorily provide screening that would be similar to that achieved by the planting rates, then supplemental canopy or understory trees shall be required, as determined by the City Urban Forester or Enforcement Officer. The following planting rates per one hundred (100) linear feet shall be used:
 - (i) Five (5) canopy trees; and
 - (ii) Eight (8) understory trees.
- (b) A secondary natural undisturbed buffer meeting the following standards shall be maintained for a distance of two hundred (200) feet along any street right-of-way intersecting the highway right-of-way (See Appendix 5: Illustrations):
 - (i) The two hundred (200) foot distance requirement shall be measured from the intersection of the rights-of-way, however, the secondary buffer width and planting rate shall begin at the termination of the buffer along the highway.
 - (ii) The width of the secondary buffer shall proportionately decrease from thirty (30) feet at its inception to eight (8) feet at its termination, with the following planting rates:
 - (aa) One (1) canopy tree per six hundred (600) square feet of buffer area; and
 - (bb) One (1) understory tree per three hundred seventy-five (375) square feet of buffer area.

- (iii) The required street planting yard meeting the width and planting rates of Table 30-5-4-2 shall be provided along the street right-of-way intersecting the highway. The width and plantings of the street yard count toward achieving the overlay buffer requirements.
 - (c) If a minimum five (5) foot high earthen berm is installed in locations where a natural buffer does not exist, the minimum, maximum, and average width of the buffer may be reduced by five (5) feet. The earthen berm shall contain a rounded crown suitable for planting and a stabilized side slope of no greater than three-to-one (3:1). The following planting rates per one hundred (100) linear feet shall be used:
 - (i) Four (4) canopy trees; and
 - (ii) Seven (7) understory trees.
 - (d) Trees shall be planted a minimum of ten (10) feet, but no more than fifty (50) feet, from other trees.
 - (e) Trees located within the required buffer area may be used to meet tree preservation requirements of Section 30-5-4.
 - (f) No development, including improvements, buildings, structures, parking areas or open-air uses are allowed within the buffer. In approving a site plan or subdivision plat, however, streets or easements may be permitted to cross the buffer when necessary for access or provision for utilities.
 - (g) To allow an existing or new development to preserve the required natural undisturbed buffer area, the number of required off-street parking spaces shall be reduced by the City Urban Forester or Enforcement Officer by up to ten (10) percent if requested by the applicant.
 - (h) No development shall be required to have the buffer area exceed twenty (20) percent of the total site. If it is necessary to reduce the buffer area, the secondary buffer area along any street right-of-way intersecting the highway shall be reduced first.
 - (i) Where unreasonable or impractical situations result from application of buffer or planting requirements, alternate methods of compliance may be used as described in Section 30-5-4.9.
- (4) Alternate Requirements: The following requirements are an alternative to the buffer requirements described in Subsection (F)(3) above, and must be approved by the TRC prior to installation.
- (a) A street planting yard, a minimum twenty (20) feet wide and a maximum fifty (50) feet wide, with an average width of thirty (30) feet, shall be maintained along the portion of any lot adjacent to the highway right-of-way. The following planting rates per one hundred (100) linear feet shall be used:
 - (i) Four (4) canopy trees;

- (ii) Four (4) understory trees; and
- (iii) Thirty-three (33) shrubs.
- (b) Trees shall be planted a minimum of ten (10) feet, but no more than seventy-five (75) feet, from other trees. Shrubs shall be planted three (3) feet on center.
- (c) Parking lot planting areas containing trees shall be installed and maintained. Each parking lot planting area shall have a minimum inside dimension of seven (7) feet and shall have a minimum area of at least two hundred (200) square feet. Each parking space must be entirely within the designated distance of a parking lot planter as specified below:

Size of Parking Lot Planter	<i>Number of Trees in Planter</i>	<i>Distance</i>
200 – 499 sq. ft.	1	80 ft.
500 – 899 sq. ft.	3	110 ft.
900 + sq. ft.	5	130 ft.

- (i) Based on the total number of parking spaces provided, the following parking lot planting rates shall be used:

<i>Percentage of parking spaces exceeding the minimum requirement</i>	<i>Canopy tree rate</i>
0 – 3.9 percent	1/10 parking spaces
4.0 – 6.9 percent	1/9 parking spaces
7.0 – 9.9 percent	1/8 parking spaces
10 percent or greater	1/10 required parking spaces and 1/1 parking space in excess of minimum requirement

- (d) Architecture:
 - (i) Buildings shall be finished with one or more of the following materials:
 - (aa) Brick and brick veneer;
 - (bb) Stone, stone veneer, and cultured stone;
 - (cc) Precast or field-poured tilt concrete panels with texture and architectural detailing;
 - (dd) Stucco with architectural detailing; and
 - (ee) Wood and wood materials designed and intended for use as exterior finish material.

- (ii) No portion of any building visible from the highway shall have an expanse wider than fifty (50) feet or higher than twenty (20) feet without detail or articulation. Large, flat blank expanses are not acceptable.
 - (iii) The architectural style and color of new buildings shall be similar to and compatible with surroundings.
 - (iv) No awnings or canopy fascias shall be internally lit.
 - (v) Appropriate screening shall be provided to obscure as much as reasonably possible all roof-mounted equipment, roof vents, or other unsightly building appurtenances.
- (e) Convenience Stores with Fuel Pumps and Gasoline Service Stations:
- (i) Buildings shall be constructed with brick or masonry conforming to the color requirements of Subsection (F)(8)(b).
 - (ii) Buildings shall have hip or gable roofs. Flat roofs are prohibited.
 - (iii) Canopy columns shall be finished with either brick or masonry that is consistent with the principal building material.
 - (iv) The maximum area of signage affixed to each side of a canopy shall not exceed twenty (20) square feet or twenty-five (25) percent of the canopy fascia, whichever is less.
 - (v) Fuel pricing signs shall display only the name, trademark, registered logo or vehicular fuel product and prices.
 - (vi) If fuel pumps are not located to the rear of the principal building, as viewed from the highway, the street planting yard shall contain two (2) additional understory trees for every one hundred (100) linear feet. Trees and shrubs located in the street planting yard shall be equally spaced throughout the yard to achieve an effective screen.
- (f) Parking lot and perimeter lighting levels measured at the edge of the property shall not exceed two (2) footcandles.

(5) Signage: Signage shall be in accordance with the following requirements. In case of conflict with the signage provisions of the underlying zoning districts, the stricter standard shall apply.

- (a) In addition to signage prohibited by Section 30-5-5.2, the following signs shall be prohibited:
 - (i) Outdoor advertising signs;
 - (ii) Ground surface signs; and

(iii) Neon signs, but not including those attached to a window.

(b) Freestanding signage shall be limited to one (1) monument type sign per frontage as specified below:

<i>Development Size</i>	<i>Maximum Height</i>	<i>Maximum Size</i>
< 25,000 sq. ft.	6 ft.	50 sq. ft.
25,000 – 49,999 sq. ft.	10 ft.	90 sq. ft.
50,000 – 100,000 sq. ft.	15 ft.	140 sq. ft.
> 100,000 sq. ft.	20 ft.	200 sq. ft.

(c) In SC zoning or in Integrated Multiple Use Developments, freestanding signage for each outparcel shall be limited to one monument sign meeting the size and height requirements of Table 30-5-5-2.

(d) Freestanding signage visible from the highway shall be in accordance with the following requirements:

(i) A decorative base and surrounding frame shall be constructed with a material that is the same as or similar to the majority of the material used for the principal building(s).

(ii) A defined landscaped area shall be required at the base of the sign, parallel to the face(s) of the sign. The required landscaped area shall be at least fifty (50) square feet in area. For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.

(aa) The required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, perennials, shrubs, and ornamental trees covering at least fifty (50) percent of the defined landscaped area at maturity. A plan of the landscaped area indicating the species, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

(e) In nonresidential districts, illumination of all signage shall be limited to cut-out letter and indirect lighting, except for wall signage in commercial districts. In commercial districts, back lit wall signage shall be permitted; however, signs with panels over fluorescent lighting shall be opaqued.

(6) Access Management:

(a) Major or minor thoroughfares that intersect the highway shall have a minimum of five hundred (500) feet of corner clearance when determined to be practical by NCDOT or GDOT; and

(b) Local, collector or sub-collector streets that intersect the highway shall have a minimum of two hundred (200) feet of corner clearance when determined to be practical by NCDOT or GDOT.

(7) Expansions: Once the impervious surface area of the property is increased by twenty-five (25) percent of the area existing at the time of the overlay adoption,

street protective yards shall be required containing fifty (50) percent of the required width and fifty (50) percent of all required plantings.

(8)

Additional Requirements:

- (a) Loading areas, docks, and doors shall be screened as much as reasonably possible from ground level view from the highway.
- (b) Building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided. This Subsection shall not apply to residentially zoned property.
 - (i) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with Subsection (F)(8)(b) above shall be achieved and approved by the TRC prior to installation.
- (c) All outdoor lighting shall include diffusers or minimal wattage bulbs that minimize glare to adjoining roadways and properties. This Subsection shall not apply to residentially zoned property.

(d)

All new on-site utilities shall be located underground unless required by the utility to be otherwise.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Thomas M. Phillips

(A copy of information related to the Scenic Corridor Ordinance is filed in Exhibit Drawer N, Exhibit Number 44, which is hereby referred to and made a part of these minutes.

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Mayor Holliday introduced a resolution adopting boundaries to be included in the State Development Zone and authorizing the filing of an application with the Department of Commerce.

After brief comments by the City Manager, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

192-02 RESOLUTION ADOPTING BOUNDARIES TO BE INCLUDED IN THE STATE DEVELOPMENT ZONE AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF COMMERCE

WHEREAS, in an effort to provide incentives for certain industries to locate in North Carolina, the William S. Lee Act was enacted by the North Carolina General Assembly in 1996 and subsequently amended in 1997 and 1998;

WHEREAS, the purpose of the Act is to bring economic development to pockets of poverty in municipalities that have not shared in the economic gains of the State as a whole and by encouraging existing industries to expand and to provide investment and workforce;

WHEREAS, pursuant to guidelines established in the Act, it provides up to 50% credit against corporate income taxes for job creation and capital investment and this includes manufacturing, warehousing, wholesale trade, central administrative offices, data processing and air courier services;

WHEREAS, the Act was amended to authorize State Development Zones which provide economic incentives to stimulate new investment and job creation in economically distressed urban areas and was a part of the 1998 Economic Opportunities Act enacted in 1998 (N.C.G.S. 105-1209.3A);

WHEREAS, the zone must be within a city with a population of more than 5,000 people and more than 20% of the zoned population must be below the poverty level as well as the zone must contain 1,000 persons or more;

WHEREAS, there is an area of 52.82 square miles and a population of 98,614, 19,741 of which is below the poverty level which have been identified as meeting the criteria for an eligible zone designation in the City of Greensboro, as shown on the attached map;

WHEREAS, it is deemed in the best interest of the City to designate these tracts as a Development Zone and to apply to the North Carolina Department of Commerce for a designation thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That following a public hearing and meeting on 4 November 2002 by the City Council, the City Council hereby approves the Development Zone as shown on the attached map and the Mayor and City Clerk are hereby authorized to file an application with the North Carolina Department of Commerce for designation of a North Carolina Development Zone.

(Signed) Donald R. Vaughan

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Mayor Holliday introduced a resolution approving the Visual Gateway Enhancement Grant in the amount of \$150,000 to make certain traffic and aesthetic improvements to the High Point Road and I-40 Eastbound Ramp/Pinecroft Road intersection.

After a brief explanation by the City Manager, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

193-02 RESOLUTION APPROVING THE VISUAL GATEWAY ENHANCEMENT GRANT TO MAKE CERTAIN TRAFFIC AND AESTHETIC IMPROVEMENTS TO HIGH POINT ROAD AND I-40 EASTBOUND RAMP/PINECROFT ROAD INTERSECTION

WHEREAS, the City has received a request from the High Point Road Merchants Association, through the Koury Corporation, to provide a Visual Gateway Enhancement Grant to make certain traffic and aesthetic improvements to the High Point Road and I-40 Eastbound Ramp/Pinecroft Road intersection;

WHEREAS, the purpose of this project is to enhance the visual appearance of the intersection prior to the commencement of the 50th Anniversary ACC Men's and Women's basketball tournaments in March 2003 when thousands of visitors are expected to pass through the intersection;

WHEREAS, the total estimated cost of the project is +/- \$300,000.00 with the grant request being \$150,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Visual Gateway Enhancement Grant in the amount of \$150,000.00 for certain traffic and aesthetic improvements to High Point Road and I-40 Eastbound Ramp/Pinecroft Road intersection is hereby approved, payment to be made from Account No. 401-6001-01.6014 CBR 003.

(Signed) Donald R. Vaughan.

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Larsena Johnson, 537-G West Terrell Street, expressed concerns with regard to services for the disabled in Greensboro; i.e., readers for the visually impaired, SCAT services, etc. The City Manager advised staff would contact Ms. Johnson on November 5 to work with her to address her concerns.

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Councilmember Johnson moved that Ronald J. Wilson be appointed to serve a term on the Human Relations Commission in the position formerly held by Girtha Vines; this term will expire 15 August 2002. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote.

Councilmember Johnson moved that Lawrence B. Morse be appointed to serve a term on the Human Relations Commission in the position formerly held by Richard Koritz (R. Mitchell Johnson was originally appointed to fill this position but did not serve); this term will expire 15 August 2005. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

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Councilmember Burroughs-White moved that Barbara Akins be appointed to serve a term on the Human Relations Commission in the position formerly held by Deena Hayes; this term will expire 15 August 2005. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

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Councilmember Vaughan added the name of Mike Bumpass to the boards and commissions data bank for consideration for future service.

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Councilmember Jessup added the name of Honora Brown to the boards and commissions data bank for consideration for future service.

Councilmember Jessup requested that the Mayor or Council consider some type of recognition for Hal Sieber for his many contributions to the community.

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Councilmember Carmany moved that the City Council adjourn. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 1:52 A.M. on 5 November 2002.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
